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DEBATE

ON

MR. FISHER'S RESOLUTIONS

AGAINST

CAUCUSES

IN

The House of Commons

OF

NORTH-CAROLINA.

In Dec. 1823.

RALEIGH:

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1824.

CAUCUS DEBATE.

House of Commons, Tuesday, Dec. 2, 1823.

The following are the Preamble and Resolutions presented by Mr. FISHER, some days previous to the Debate.

The General Assembly of North-Carolina, cherish with zeal and veneration, the just principles on which the Constitution of the Union is established, and the pure spirit that animates the Federal System ; and we view with distrust and apprehension, every practice which may have a tendency to impair these principles, or to violate this spirit. The history of all governments shews, that the institutions of the people are in less danger from open violence, than from secret and insidious encroachments. In the first instance, the people are apprized of the danger, and may guard against it ; in the other, the evil is fatal—coming under the mask of patriotism, suspicion is lulled, and its danger unperceived.

Of the latter description, we consider the practice which heretofore has existed in the City of Washington, of holding Congressional Caucuses, for the nomination of Presidents of the United States—a practice directly opposed to the spirit of the Constitution, and fatally calculated to subvert the principles of our Government.

The Constitution of the Nation is one of checks and of balances ; its framers knew the frailties of mankind, and to preserve pure the integrity of its agents, it contemplates keeping separate and distinct from each other, the Legislative and Executive branches of the Government. Members of Congress are chosen by the people for certain specific and defined purposes—to exercise the functions of legislation, and not to elect or to nominate Presidents, except in the event as provided by the Constitution. In conformity to this caution of prudence and wisdom, the second article of the Constitution forbids members of either branch of Congress from acting as electors of President. Guarding against their own frailty, the people, by the Constitution, have taken from themselves the power to elect a Member of Congress, as an Elector ; yet by the practice of Caucusing, these Members of Congress indirectly do, what by the Constitution they are prohibited from doing directly.

The election of President, under the Constitution, is removed one degree from the people, by the intervention of the Electoral College ; but by the practice of Caucus nominations, it is, in effect, taken away from the people altogether, and exercised by a selfish combination of unauthorised individuals—usurping power, and leaving to the people the empty privilege of ratifying their decrees.

The advocates of Caucus have in view, to cause some one, by means of the nomination, to be elected President, who otherwise might not be elected. If this object be not effected by it, then the Caucus was useless : if it be attained, then the conclusion is irresistible, that the Members of Congress make the President, and in spirit violate that sacred instrument, which they have sworn to support.

We disapprove Congressional Caucuses for nominating Presidents, not only on Constitutional grounds, but on considerations of just policy. By the Constitution, in the event of no election by the Electoral College, the House of Representatives is to choose from the three highest, and voting by States ; a provision deemed so important as to have been repeated, though modified, by an amendment to the Constitution, solemnly ratified by this State in the year 1813. It is therefore, certainly improper, unwise, and highly censurable, for Members of Congress to go into Caucus, and prejudge the case, by pledging themselves to support a certain Candidate, when in twelve months thereafter they may be called upon to vote as final Electors. When the election of President goes to the House of Representatives, the functions of that body, for the time being, are wholly changed : they lose the character of Legislators, and be-

come clothed with the privilege of the people, as Electors. An Elector is an Agent chosen by the people, not to exercise discretionary powers, but execute a qualified trust ; to do what the people themselves would do, were they present ; but Members of Congress are elected without reference to their sentiments on the Presidential question ; in truth it may so happen, that while *they* prefer one person for President, the *people* prefer another ; and we appeal to our knowledge of the fact, that whatever consideration may have induced the election of the present Members of Congress from this State, their opinions on the Presidential question had no manner of influence. The consequence therefore is, that when they go into Caucus, they do not carry with them the feelings and wishes of the people ; they usurp a power denied by the Constitution and not given by the people ; they obtain by fraud what they dare not attempt by violence.

It has been advanced, in defence of the practice of Caucusing, that it is necessary to prevent the election from going into the House of Representatives. The Constitution prescribes, that Congress, voting by States, shall elect the President from the three highest on the polls, if no one have a majority of the whole. Does not the guilt of perjury rest on the man, who, taking an oath to support the Constitution, yet busies himself to pervert and defeat its provisions ? To this Legislature it would appear, that there is less danger of the House of Representatives being corrupted, than there is of the Caucus. In the one situation the Members act on their oaths and responsibilities ; in the other they are impelled by their own selfish views, and they are exposed to the operations of intrigue, management, and oftentimes corruption.

The Legislature further object to this practice, because, in our Government, we ought vigilantly to avoid giving sanction to improper precedents, so fatal in other Governments. What at first is cautiously assumed, if unresisted, will, at last, be openly demanded as a right. Already do the friends of Caucus urge as argument, the practice of former Congresses ; and unless the people now resist their usurpations, the period is not distant when Members of Congress will claim them as a right, by the law of immemorial usage—the people will be deprived of influence in the choice of President ; or, Members of Congress must be chosen, not for their qualifications as Legislators, but for their opinion as Electors.

On former occasions, the plausible apology for Caucuses was, to unite the sentiments of the dominant party, to prevent it from being broken and shattered to pieces, lest their opponents might thereby supplant them in power. If this was ever a good apology, it certainly is not such at this time, since party rancour has subsided, the spirit of faction has disappeared, and most, if not all good men, unite in opinion upon questions of leading national policy.

The rights, the liberties of the American people, were achieved by the blood of our fathers, and wrung from the iron grasp of tyranny. These patriots fondly hoped they had secured, by their wisdom, in the Federal Constitution, the enjoyment of these rights. Against the treason of open violence, we should be degenerate indeed, if we did not rally around the standard of the Constitution, and with the sacrifice of life, shew that we greatly prize and can bravely defend the valuable inheritance. Shall we, then, when aware of our danger, permit a self-created aristocracy to deceive, delude, and rob us of our rights ? The Legislature of North-Carolina *protest* against this unconstitutional and dangerous usurpation of a Caucus nomination of President by Members of Congress at Washington.

We believe an open, manly and candid effort should be made to check the unhallowed design in its progress, and if the effort be not successful, that the people may be awakened and alarmed at the danger which threatens their rights, and apply the correction.

With these views, and for these reasons, the General Assembly of North-Carolina

Resolve : *First*, That the Senators in Congress from this State, be instructed, and our Representatives be requested, as a means of preserving the rights of the people in choice of President, to withhold their countenance from the practice of meeting in Caucus, by the Members of Congress ; and that they use their exertions to prevent a nomination from being made in Caucus, of persons to fill the offices of President and Vice-President of the United States.

Second, That our Senators in Congress be instructed, and our Representatives be requested, to bring before Congress, and urge the passage of an amendment to the Con

stitution, providing that each State in the Union shall be laid off at stated periods, into Electoral districts, for the election of Presidents and Vice-Presidents of the United States.

Third, That the Governor of this State transmit a copy of the foregoing Preamble and Resolutions to each of our Senators and Representatives in Congress.

Fourth, That the Governor transmit a copy of the foregoing Preamble and Resolutions to the Executive of each State in the Union, with a request that they be laid before their respective Legislatures.

When this subject was called up, and the question stated from the Chair, Mr. BYNUM moved that the Preamble and Resolutions be indefinitely postponed. When Mr. FISHER rose and addressed the House as follows :

Mr. FISHER said, to meet the wishes of some of his friends, he had consented, to a modification of the first resolution. That Resolution was drawn up in the usual form—*instructing* our Senators, and *requesting* our Representatives ; but, there were some gentlemen, opposed to caucusing, who yet doubted the propriety of the Legislature, *instructing* our members of Congress. To meet their views, he was willing so to alter the resolution, as to bring the question of *Caucus* or *not Caucus*, fairly before the House. Of course, then, such gentlemen, as were opposed to the practice of Caucusing at Congress, would vote for the resolutions ; while those in favour of this usurpation of the rights of the people, would vote against them. With these explanations, Mr. F. said, he would proceed to consider the subject.

When our forefathers came out of the revolutionary war, they had but half accomplished the great objects for which they had gone into it ;—they had fought, the battles of liberty, and broken the yoke of foreign tyranny ; but it yet remained for them to secure, in permanent institutions, the principles and rights for which they had so profusely shed their blood. This was not an ordinary work ; it required time, wisdom and patriotism to accomplish it ; and we see, it was not until after seven years of trial, that our government was fixed on a firm basis, by the adoption of the Federal Constitution. This constitution has now been in existence, for 36 years ; it is the work of some of the wisest heads and purest hearts, that ever lived ; and if it is not undermined by the insidious encroachments of that subtle spirit of aristocracy which is ever on the alert, to steal the power from the many, to give it to the few, it will not fail to secure to our posterity the blessings of Liberty, for ages to come. This constitution, *we* have *sworn* to support ; and, it well becomes us, to raise our voice against every practice which goes to violate its spirit, or its letter. Such, said, Mr. F. I consider to be, the practice of holding Caucuses by Members of Congress, for the nomination of Presidents of the United States. The second article of the constitution expressly *prohibits Members of Congress, from acting as Electors*. What does this article mean ? Does, it intend merely to prohibit Members of Congress from bearing the *name* of an Elector ; or does it not clearly intend to prohibit them from exercising the *functions* of an Elector ? Names are used for the purpose of conveying to the mind ideas of things ; and, it is not material what names you give, if the thing itself is the same :—It is the *duties*, the *functions* of Electors, that the constitution forbids Members of Congress from exercising—no matter, whether exercised in the *electoral college*, or in a *Caucus*. If

what Members of Congress do in Caucus, is virtually exercising the functions of Electors, it follows, of course, that they do the very thing which, by the constitution, they are permitted not to do. What is the object of a Congressional Caucus? The friends of the measure, themselves, tell us, that the object, is to induce the people to vote for some one person as President, who otherwise might not be voted for, and of consequence, otherwise would not be elected. Now, in this object, they will either fail, or they will succeed. If they fail, then the Caucus was useless, and should not have been held; but if they succeed, then does it not follow, that they have effectually succeeded in exercising the functions of Electors—in doing what the constitution prohibits them from doing?—in making a President for the people. This being their object, now, said Mr. F. I would ask if ever a Congressional Caucus has failed in its object? It never has. In 1816, after much management, a Caucus was got up at Congress.—Out of all the Members of Congress, 119 only attended; the rest being opposed to it; of those who attended, 65 voted for Mr. Monroe, and 54 for Mr. Crawford. Mr. Monroe having a majority of the Caucus in his favor, he went forth as the nominated candidate, and accordingly was elected. Now will any person contend, that Mr. Crawford would not, at this moment, have been President, if he had succeeded in the Caucus? But as anxious as that gentleman and his friends were to make him President, they gave up all hopes, as soon as they failed in the Caucus. In fact, as soon as Mr. Monroe was nominated by the Caucus, his election was considered secure, and all further opposition ceased; and, when the people of North-Carolina were called upon to vote for the Electors, they considered it so much of a farce, that not more than one vote in ten was given in; they felt that it was unnecessary to spend their time in going to the poles to vote, when the Caucus had already decided the election. Is it not plain, then, that Members of Congress, by means of these Caucuses, do *indirectly*, what by the constitution they are inhibited from doing directly? It is certain then, that the Constitution of the United States, prohibits Members of Congress from acting as Electors; and it is equally clear that the intention of that instrument is to exclude them from any agency whatever, in electing the President, except in the event of no election by the people. Now let us enquire what are the reasons of this prohibition? Madison, Jay and Hamilton, in a work that will remain a standard as long as the constitution lasts, informs us, that the reason of this inhibition was, to guard against "cabal, intrigue and corruption." The framers of the constitution were wise men; they knew the depravity of the human heart; they had seen in the history of our governments to what lengths ambition would lead men; that many had waded through corruption and blood, to reach their object. They knew that the *Presidency*, of this great republic was a prize at which men of the greatest talents, and most inordinate ambition might aim; and it was to be feared, that some of these would stop at nothing to gain it. To guard against such men, on such occasions, it was thought wiser and safer to confide the election to the people, than to intrust it to a *pre-existing* body of men. The people, at the same time, throughout the union, vote for Electors—these Electors, are thus created, as it were, in one day; and, before they could possibly be corrupted, they have convened, executed their trust, and dispersed again: So that there is

no possible chance of corrupting them. But is this the case with Members of Congress? They are elected nearly two years before hand; and, for a considerable part of that time, are on the spot at Washington, where the intrigue and management is going on: they are a tangible, pre-established body, and are subject to be operated on by the arts and management of the candidates, who are also, generally on the spot.

Members of Congress, like members of this Legislature, are not always elected for their virtues and talents; a combination of circumstances, without regard to these qualifications, sometimes place them in Congress. When there, they are not less fallible, than before elected; nay, if any difference, they are more so, for the very atmosphere of Washington city seems to create a hungering after "the loaves and fishes." There are in every Congress, a greater or less number of the members seeking after preferment, either for themselves or for their relations or friends. It is known, that at the session of 1820, not less than one-third of all the members were applicants to the cabinet for the offices created by the Florida Treaty. Is it not reasonable, then, to suppose, that the man who will have the offices at his disposal, can, by holding out hopes, operate on those who are so anxious to obtain preferment? To show that it is, let us look to past experience, and consult the opinions of those more conversant than we are with the way in which things are managed at Washington.—Mr. Taylor, a distinguished citizen of Virginia, an uniform republican, and one not unacquainted with the history of Caucusing, in a speech delivered last summer, says of *Congressional Caucuses*—"The mode of electing the President and Vice-President of the United States, calls out loudly for amendment. The present method is the result of *intrigue.—sanctioned too, by the most of the members of Congress; a most palpable fraud upon the rights of suffrage.* The power of correcting this evil is vested in the people, if they will exercise it. *Let them discharge those members who uphold a Presidential Caucus*, and substitute those in their places who will use their utmost efforts to procure such amendments of the Federal Constitution as will produce one uniform mode of elections, by districts, in each State throughout the union. Then, and not till then, will the government be administered by a President and Vice-President of their own choice."—One of the reasons why I quote the opinion of this gentleman, is, because he is of Virginia, and there are some in this House, who will esteem them the more on that account.

It will be remembered, that in 1816, Mr. Monroe and Mr. Crawford were candidates for the Presidency. The Revolutionary services of Mr. Monroe, his important services during the last war, and his great experience in public affairs, had pointed him out to the American people, as the successor of Mr. Madison. As to Mr. Crawford, he had no such claims to the office; nevertheless, he was pushed forward as a candidate, and by management came near being nominated, by the Caucus. To give an idea how Members of Congress may be influenced on those occasions, I will read, said Mr. F. a few extracts from the Editors of the National Intelligencer, made at the time. These Editors are very intelligent gentlemen, they were eye-witnesses of the intrigues and management that were carried on for the purpose of making Mr. Crawford, President. These gentlemen tell us, "*that when Congress first met, no other candidate was publicly spoken of but James Monroe.*" They add, "We consult our own inclination, and probably the interest of

the great Republican family, by avoiding an examination into the circumstances, a COMBINATION *which had nearly produced a nomination in direct opposition to the public will.* Again, "It is a fact, undisputed we believe, that the *activity and pre concert* of the opponents of Mr. Monroe, and a fastidious delicacy of his best friends, which prevented active exertions in support of his nomination, together, produced a state of things ASTONISHING to most of the people of the United States, who expected nothing less than that division of sentiment which prevailed among their Representatives." Again;—"*On their part,* (the part of Mr. Crawford's friends) *no exertions were spared. As no labor was too great, so no means were too humble to aid their object.*" "If one half the exertions had been made by Mr. Monroe's friends, that were made by his opponents, the nomination would have been as unanimous, as it certainly would have been when Congress first assembled—*when no other candidate was publicly spoken of but James Monroe. This is a fact, which we ought not to overlook.* These gentlemen, further give it as their opinion, that to refer the election to the people, "*would greatly narrow the scope for intrigue and venality. It would moreover, prevent the possibility of the popular will, being defected by a* CABAL, *which is* NOW *possible, to say the least of it, &c.*" This is the testimony of those who were on the spot, and were attentive to the passing scenes, preparatory to the *Caucus* of 1816. I shall, said Mr. F. read one more extract. Mr. Niles, one whose Republicanism, honesty and truth, have never been doubted, in speaking of the *Caucus*, that is to determine the approaching Presidential election, says, "I have had a pretty near view of some of the supposed hidden things that are going on, and do verily believe, just as surely as that I shall die and account for my acts, *that quasi bargains have been made, as for the sale of votes, and that these bargains will be brought into a* CAUCUS *if composed of the members of the present Congress.*" This then, is the nature of a Caucus, that is to deprive the people of their just privileges in chusing a Chief Magistrate. But these are not the only Republicans who have disapproved the practice of Caucusing. In every Congress that have held a Caucus, there were many Republicans who condemned it. I take pleasure, said Mr. F. to mention among these, the name of our elder Senator, Mr. Macon; he never attends Caucuses. In the Caucus of 1812, only 17 out of the 36 Senators attended; and only 65 out of the whole number of Representatives attended; so that only a minority of two-fifths were present in that Caucus. With this view of Caucusing, can the people continue to tolerate a practice which is not only a violation of the Constitution, but an usurpation of their just rights and privileges?

But even admitting that Caucusing by Members of Congress, is not a violation of the Constitution, or does not usurp the rights of the people, yet it is improper on another ground. By the Constitution, in the event the people make no election, then the choice is to be made by the House of Representatives, voting by States. It is certainly highly improper then, for the members to prejudge the case by going into Caucus, and solemnly binding themselves to support this or that candidate. They go into Caucus and vote for a President; they return home, and at the election for Electors, vote a second time for their man; they go back to Congress, and in the House of Representatives vote a third time; so that they have three chances while the people have but one.

Mr. F. further observed, that he could readily anticipate many of the arguments that would be brought forward in the defence of Congressional Caucuses. One of them would be, that they were necessary to prevent the election from going into the House of Representatives; for if it goes into the House, the choice will be made by States—each State giving but one vote. At first appearance, this is a plausible argument, but it will not bear examination. The Federal Constitution, it must be kept in view, is a work of *compromise*. When the members from the different States met in convention to form a Constitution, they soon found, that it was a work of immense difficulty. So conflicting were the feelings, interests and views of the several states, we are told, that at one time, they were on the point of breaking up and returning home, without having come to any conclusions; but inspired by the spirit of patriotism, they renewed their labors. Each section of the country gave up some of its views in order to gain other; and thus by mutual *compromise*, they formed the Federal Constitution, which never would have been formed on any other principles. Mr. F. said he would very briefly notice three of the principles of compromise adopted in the Constitution. The first was, that the small States should be protected from the overwhelming influence of the great ones, by being admitted to an equal weight in the Senate. Without a concession of this kind in their favor, the small states would never have gone into the union. The next *compromise* was in favor of the Southern States—the partial representation of our slave population, by which we gain one-third of our weight in the House of Representatives. The Southern States never would have adopted the Constitution without some provision of this nature. The third principle of compromise, is intended further to operate in favor of the small States;—it is, when the nation fails to elect the President, that then the election shall be made by the States—each giving one vote. Mr. Madison, in his remarks in the Virginia Convention, speaks of this part of the Constitution as an important *compromise*, designed to conciliate the small states. This, then, is a *compromise*, and the avowed object of a Caucus is to defeat this provision of the Constitution. Heretofore, Caucuses were against party—now they are against the Constitution. What would we say, if the Members from the non-slave holding States were to go into Caucus to defeat that part of the Constitution, which allows three-fifths of our slaves to be represented, and thus to deprive us of one-third of our weight in the General Government? Would we quietly permit them to do so? No—we would cry treason! and march either to defend the Constitution or to dissolve the Union. Now, cannot the small States with equal justness, cry out against a Caucus, that scheme to destroy the provisions of the Constitution intended to operate in their favor? Surely they can! We should not forget the golden rule of doing to others, as we wish others to do unto us.—One part of the Constitution is as sacred as the rest; if any part is more so than others, it certainly ought to be those parts formed on the principles of concession and compromise:—these it were that brought the States together, and a violation of these, more apt than any other, may dissolve the Union. To hold a Caucus, then, by Members of Congress, for the purpose of defeating the express provisions of the Constitution, is certainly doing what they have solemnly sworn not to do—it is violating the Constitution, is cheating the smaller states out of their just powers, and the people out of their rights.

It will be objected to the election going into the House of Representatives, that a *majority* of the States, containing a *minority* of the people, will be able to elect the President. In reply to this it may be said, that it is not likely that such a combination will ever take place between the small states; but even if it does, no danger can follow, when it is considered, that the election must be made from one of the three highest of the Candidates voted for by the people.

When the People elect Members of Congress, it is with a view to Legislation; when they choose Electors, it is with an eye to the President:—hence the people, in the Electoral College are represented; but in the Caucus they are not. But suppose the Members do carry into the Caucus, the wishes and feelings of their constituents. The first thing they do is solemnly to bind themselves to support the man who receives the most votes, though he may be the one of all others most obnoxious to the people. Again, we will be told, that we ought now to sanction a Caucus, because Caucuses have heretofore been held. The force of this argument is, because Members of Congress have heretofore done wrong, we must justify them in repeating the wrong—thus, precedent is becoming law:—but, it is to be hoped, the people of the United States, will put a stop to it, before it becomes as irrevocable as the laws of the Medes and Persians. Mr. F. said he rejoiced to see that the people were already taking the alarm; that they began to see the dangerous tendencies of the practice of Caucusing, and that they were raising their voices in every part of the nation against it. Our sister State Tennessee, had already denounced it, and we may expect to see it put down in every quarter of the nation. In North-Carolina, Caucuses have ever been unpopular; they will become more so. The vote that we are about to give on these resolutions. will not be concealed from the public—it will go forth, and the people will see who are their friends, and who are for giving up their rights.

Mr. T. W. Blackledge rose and said, *Mr. Speaker*, I cannot refrain on this occasion, from again expressing my deep regret, that this House should be called on to act upon this subject at all. Believing the resolutions as intended to have a direct bearing on the Presidential election, the subject becomes to me one of deep, earnest and solemn interest; believing also, that this is a subject which certainly does not come before us in our Legislative capacity, and that we are travelling beyond our constitutional limits, in dictating to our Representatives in Congress, I regret that our feelings should be excited, and the harmony of the House interrupted by the *unnecessary* discussion of a subject, at once so critical and delicate. It is to me, a matter not only of regret, but of surprise also, that the gentlemen who have lauded, with such sanctimoneous gravity, *the æra of good feelings*—who profess themselves believers in a political millenium, and assert that it has now arrived, should so recklessly and carelessly hazard the existence of the one and the continuance of the other. These gentlemen must know, that they have deliberately thrown into this House a lighted firebrand; a brand which will kindle into a blaze, the now dormant, but unextinguished embers of political faction; and rouse it to action, with increased malevolence and energy, all the angry passions which emanate from party discord. I repeat, sir, that they have deliberately

been the means of rousing these disagreeable feelings—for though the preamble and resolutions are worded with much speciousness and caution, and say nothing concerning the candidates for the Presidency, it must be evident, that whatever they profess, they certainly were intended to subserve the interest of one or more of the candidates for that office, and to prejudice the standing of another—of the one whom I believe to be the most worthy, and who is certainly the most popular candidate, among our constituents. I beg, sir, to be understood as imputing to the friends of these resolutions no unworthy motives : far from it. If they have a favorite, they certainly have a right to use their own ways and means to forward his views, and neither I, nor those with whom I agree, have a right or a wish to be of their counsel. But I am anxious that the subject of debate should be understood, not only as regards its outward and visible form, but as to the real operation which it is intended to have. And I think I am borne out in my opinion, as to their real intent, by the crisis at which they are introduced, the well known sentiments of the gentleman who brought them before us, and of other gentlemen arrayed in their defence, and lastly, by the notoriously preponderating popularity of the favorite candidate of this state, in the House of Representatives—in that body, whose simplicity we are invited to instruct, and of whose honor we are requested to constitute ourselves the guardians.

The gentleman from Rowan, sir, has complained that the course pursued by the gentleman from Halifax, in moving the indefinite postponement of the whole subject, is not liberal or parliamentary—because he is by that motion, precluded from offering an amendment to, or a substitute for the original preamble and resolutions—Surely, Mr. Speaker, the gentleman cannot pretend he has been taken by surprise. These resolutions were not drawn in the perplexity and hurry of business, or in the confusion of debate. They have been expected to make their appearance in this House, almost ever since we have met. The awful note of preparation had been for a long time sounded ere their appearance—and they now bear evident marks of labor and foresight in their production. But the gentleman from Rowan has discovered, that there are some federal gentlemen in this House, who though they are willing to join in his opposition to Mr. Crawford, yet cannot swallow the whole of the doctrine contained in his preamble and resolutions—who are against caucusing, but equally against our usurping a right of surveillance over our Members of Congress, and whose well known consistency will not permit them to sacrifice a principle, to further a particular purpose, by voting for the resolutions in their present shape. This is no more than I expected from their well known independence ; but the gentleman from Rowan, I presume, was deceived in his expectations, and now wishes to rectify the error and render them more palatable to those gentlemen, in order that, by uniting that party with a fragment of *soi di ant* republicans, he may array a force sufficient to countervail the strength of the republican party. I do not feel myself bound to indulge the gentleman in any more of his political experiments—he has thrown the die, and must abide the result of chance—he has steered his own course, and if in attempting to avoid Scylla, he has dashed himself on Charybdis, his shipwreck must atone for his miscalculating pilotage.

The remarks of the gentleman from Rowan, have been so multifarious and discursive, that I am sure my memory will not enable me to animadvert on them all—nor on any of them with the same lucidness and order with which they have been laid before us by him. I shall take the liberty of calling the attention of the House, to some few of them, in the order in which they are marshalled in my recollection. Before, however, I proceed to this, I would ask leave to examine what I deem a previous question of some importance—whether we are not stepping beyond our constitutional limits, in instructing or advising our Representatives in Congress? As to the abstract *right* of passing the resolutions on the table, it is not necessary to waste time in reasoning on it—we have the *right* to pass resolutions advising and instructing the House of Lords and Commons of Great-Britain or the Peers of France, or the Privy Council of the Czar.—But as these bodies are not particularly responsible to us for ther good behavior, I apprehend we should expose ourselves to their derision were we to venture on an interference in their concerns. The case is nearly or quite parallel as between ourselves and the Members of Congress. I conceive, sir, that there can be no right or expediency in tendering advice or instruction, where there is no responsibility between the party instructing and the party to which instructions are given. The right or expediency is co-extensive with this responsibility, and correspondent to, and in exact proportion with the degree thereof, on the behalf of the party instructed. Now, sir, the Members of the House of Representatives are elected by the people, and are responsible to the people, and to them only—and so far as we compose a small unit in the vast sum of the people, so far and no farther can we expect our advice or instruction to have weight with our Members of Congress. For, sir, I apprehend they owe to us no allegiance as Members of the Legislature; nor in any other capacity but as individuals of the community; as a Legislature, we have no influence in their election—there is, therefore, no responsibility on their part, nor consequently any right of instruction on ours—As individuals and part of the people, we have a right to instruct our Representatives: because the people have that right. But would it not be nugatory—nay worse than nugatory for us to interfere as a Legislature? Would it not be exposing the Legislature to contempt, to do an act to which no respect can be paid as an act of Legislation? These observations apply, with nearly equal force, to our Senators as to our Representatives. Though we are the immediate organs in electing them, yet we are elected by the people, and are responsible to them for the correctness of our selection. Our political existence expires almost with the act of election, and in the nature of things can never be integrally resuscitated. They, the Senators, are re-eligible by another Legislature to be chosen six years afterwards, by the people, from their own body; and they are therefore responsible to them, though in a more remote degree, both on that account and on account of the infrequency of their election, than the Representatives; and I apprehend there is no more propriety in our instructing our Senators in their duty, than there would be should the Electors of the President, advise him as to the course of policy which he should pursue in the administration of the General Government. The mode of their election is nearly similar, and the responsibility of the President to the college of

Electors is more direct and immediate than is that of the Senators to the Legislature, because the term of re-election is shorter: Yet I am equally certain that an interference like this on the behalf of the Electors, would be deemed an act little short of insanity. With this view of the subject, I beg the House to be cautious in passing resolutions, which, to say the least of them, are mere nullities—to forbear giving advice to which we cannot compel them to listen; or instructions which we cannot coerce them to adopt. I fear, sir, we should only expose ourselves to the contempt which always attends arrogant impudence of pretension, when accompanied by total imbecility or absolute impotence of execution. Further, sir, if we have a right to instruct our Representatives on this subject, we have the same on any other, or all other subjects—it is impossible to draw a line of distinction. And if we believe that our present Members of Congress, from want of understanding or honesty, have betrayed the interest of their country, or are about to betray it, and that it is our duty to set them aright; the same motives should induce us to watch over their every act—every vote; and kindly to point out the policy they should pursue. It is equally our duty to continue in session, as long as Congress, for fear that from the want of our aid and instruction, the country might be injured by their counsels. This is one of the absurd consequences, flowing from the doctrie—it, in fact, makes Congress nothing more than a body met together from all parts of the United States, to record the edicts of the State Legislatures.

This important previous question of the ri ht to instruct, has, it seems, not arrested the attention of the gentleman from Rowan. Passing it silently by, he arranges his objections against a Caucus, under two heads. He says the system is—1st, unconstitutional, 2d, inexpedient at this time.—Let us examine the gentleman's objections in due order.

1st, as to its unconstitutionality—The gentleman recites to us clause from the Constitution of the United States which prohibits members of Congress, among others, from being electors for President and Vice President of the U. States; and avers, that when they meet in a Caucus and recommend any particular candidate to the people, they thereby virtually become electors, and violate the Constitution. An elector, Mr. Speaker, is a creature of the Constitution, and existing by it, and described and defined distinctly as to his powers therein. He is a person, chosen either by the people or the Legislature, to meet at a certain time and place, and give a vote for President and Vice-President. This, Sir, is, I believe, a full and distinct definition of an Elector. Will the gentleman from Rowan point out to me, to which part of this definition a member of Congress answers, when he expresses his opinions to his fellow-citizens as to the merits of any one candidate for the Presidency? Even his ingenuity must be at fault to this question; his sophistry does not deceive himself. Before I proceed any farther in the examination of this part of the subject, I will take the liberty of explaining my ideas of the interpretation of the Constitution as applicable to the subject. I believe, Sir, that a citizen retains in every office in Society which he may be called on to fill, each and every privilege to which other citizens are entitled, except where they are expressly taken away by some clause of the Constitution. This plain and simple proposition, is so consonant to our most ordinary ideas of civil liberty, that I apprehend

none will be found hardy enough to deny or contradict it. Our general liberty and privileges, are, in some few particular instances, abridged by constitutional prohibition—as in those instances where the exercise of a particular privilege or liberty is deemed incompatible with the holding any particular office. Thus a member of Congress may not exercise or hold any office of trust or profit under the General Government, nor be an elector of President and Vice President of the United States. But these exceptions are never construed beyond the strict letter of the enactment—we have confined them to their strict, literal meaning. I understand, that that instrument has, among the Republicans, always received a rigid, scrupulous, and narrow construction.—They have never permitted the General Government to assume any powers but what were plainly and clearly given—nothing by construction—nothing by implication. The case was different formerly At the eventful crisis of 1798—1799, the Constitution was a mere nose of wax ; it was construed to mean any thing or nothing, precisely as it agreed with or contravened the views of their then dominant party. But those times have gone by, and we are no longer in the habit of construing expediency and necessity to be synonymous terms. Now, Sir, I call upon the gentleman from Rowan to point out the clause in the Constitution which prohibits our members of Congress from forming an opinion on any political subject : or of expressing that opinion when formed ?—to point out the clause which makes a difference of criminality between expressing an opinion at Washington city, and expressing the same at home : or between expressing an opinion singly, and doing the same in company with others. The gentleman from Rowan will not deny, that our Representatives may do the former acts, that is, form and express an opinion as to men and measures whilst at home and acting in their private capacity. Let him then point out the discrimination between the one and the other—let him shew the point where innocence terminates, and guilt commences. Let him demonstrate, why that which an individual may do honestly and constitutionally, may not be done with equal honesty and equal regard to the Constitution, by numbers. In fine, Sir, let the gentleman from Rowan, and I seriously ask him to do it, give us some tangible definition of a Caucus, that we may fairly understand what we are so urgently pressed to pronounce unconstitutional and inexpedient. Until he shall have answered these questions, or give these explanations, I can only give to the gentleman's arguments the weight due to earnest and frothy declamation.

But, sir, we are told by the gentleman, that it is wrong that our Representatives should express an opinion on, or interfere in this matter, because if they did, there would be great danger of their being corrupted, or bribed, by the candidates for the Presidency—and that this is evinced by the fact, that they are excluded by the Constitution from being electors ; whence it appears that the venerable framers of that instrument, entertained a deep jealousy of their political purity in this matter. It seems to me, sir, to be strange, that the framers of our constitution should be so exceedingly jealous of the purity of our members of Congress as to inhibit them from expressing an opinion on the subject, or recommending a candidate to their constituents—and at the same time should lodge in them, in the dernier resort, the selection of the President. In the first event, viz. an election by the people of Electors, the number of candidates will generally be so

great—and the prospect of the election of either of them so remote and contingent, that their means of corruption are greatly inferior to what they are, in the latter event, an election by Congress. The promise of an office by any one of the candidates, previous to the decision of the electoral college, would be too uncertain, to have any influence ; when, from the number of the candidates, it was very probable, that that body would fail in making a constitutional selection. Surely, sir, if any thing is to be dreaded on this score, the peril is much more imminent, when the election becomes vested in the House of Representatives. Then there can be only three candidates ; there will generally be only two who are prominent. Then, the whole executive patronage will be concentrated in the hands of those two : and can and will be wielded with a much more powerful and dangerous effect against the purity of Congress. Yet, sir, the framers of the constitution, have even, in this event, placed in their hands the important and momentous privilege of a final election. This argument, sir, returns upon its author : the probable effect of a Caucus nomination will be an election by the people, and a prevention of the question's reaching the House of Representatives—If there is danger of bribery and corruption at all, there is less in a Caucus than in the House of Representatives—because the means of corruption are then not in possession, but contingent.

Again, a Caucus, even if corrupt, only recommends, and the people can ratify or reject their choice—there is nothing binding or obligatory in the recommendation which they make. But in the House of Representatives, as the probability of corruption is stronger, so is their election final, conclusive and obligatory.

One other argument against a caucus nomination is, that by a recommendation through that channel, the people are robbed of their rights ; that the right of election is in effect taken from the people, and they are declared to be unable and incompetent to make a choice. This seems to be a favorite argument with the friends of the resolutions. It has called into exercise their most skilful logic, and their most vehement declamation. I do not believe, sir, that the gentlemen expect to effectuate much on this floor, by their eloquence on this point. No, sir ; it is an argument *ad captandum vulgus ;* it is intended for the ear of the gentlemens' constituents at the contest for the Presidency which must shortly ensue. The gentlemen are welcome to all the merit and all the aid which they can derive from it, both here and at home. Let us enquire whether it will stand the test of examination. I lay it down, sir, as an axiom, which even the jesuitical gentleman from Rowan will not deny, that if the people are robbed of any right, they no longer possess that right. If the right of voting for a President, is taken from the people, by the recommendation of a caucus, then the people no longer possess that right. Now, sir, suppose that a Congressional Caucus should nominate for the Presidency, Mr. Crawford or Mr. Adams, will not the gentleman from Rowan still possess the right to vote for Mr. Calhoun ? Will he not possess it in as full and plenary a manner, as if no nomination had ever been made ? Will he not exercise that right, sir. I think the gentleman will not negative either of these questions. And, sir, if he possesses the right, and will exercise it, how does he, or can he differ from any other individual, nay from the humblest individual in the community, as to the possession of any right common to

the freemen of the land ? If the gentleman from Rowan posessses the right which he cannot deny, then every other individual possesses it—the people possess the right (even though a Caucus does make a recommendation) to vote for any other person as President. But we are told, that the members of a caucus, in effect, declare that the people are incompetent to make a choice, because they make a recommendation of a particular individual. The gentleman from Rowan, Mr. Speaker, will recollect that he, and several other of the most respectable individuals in the western part of the State, lately met in caucus, in this city, not merely torecommend a President, but to destroy the present Constitution, and recommend to the people the adoption of a new one.—They did draw up a new one ; they did recommend its adoption to the people.

Now, sir, when that gentleman, who was one of the most active and influential Members, of this *constitution Caucus*, and who was mainly influential in getting it up ; when he recommended to the people, the adoption of the New Constitution, did he thereby declare them incompetent to choose for themselves ? or by recommending them to vote for a particular set of resolutions, or a particular constitution, did he thereby deprive the people of their right of voting for any thing, save the thing recommended ? He would suppose this a harsh interpretation of his labors on that occasions he might safely call it a foolish and a ridiculous one.—Yet, sir, I cannot well imagine two cases more precisely similar. Both meetings are Caucuses, both meetings recommend a certain course of conduct to the people, both are voluntary and self-existent, and neither of them have any power or authority, save what is afterwards given to them by the voluntary act of the people. It is not unfrequently the case, Mr. Speaker, that among the unthinking, a good cause sustains injury by being christened with an evil or a ridiculous name, and an evil cause derives support from the contrary fact. I think the friends of the resolutions, are attempting to play off that policy on the present occasion. The very gentleman whopaints in such odious colours the features of a Presidential Caucus, you find the most active and influential in the Caucus whose object is to destroy the very constitution of the country—those who declaim the loudest against Congressional Caucuses, are delighted with the proceedings of County Assemblies and town meetings ; and yet, sir, I believe it would puzzle any of those gentlemen to point out a sensible difference between the several assemblages. Let us examine if there be any difference, let us inquire what a Caucus is, and whether there is any thing so very odious in the term. It is not, sir, I believe, a primitive english word, whence it was derived, or when or where, or how it was adopted into the language, I am unable to say. A Caucus may be defined to be a meeting of individuals assembled in their private capacities as citiizens, for the purpose of carrying into effect some particular object—From some cause or other, not necessary or material to be known, it has generally, though not necessarily, been applied to meetings of a political nature. I believe this is a fair definition of the meaning of the word ; and I can see no difference between a Congressional Caucus to recommend a President, and a Convention Caucus to modify the constitution—or a County Assembly or town meeting to recommend similar measures ; in point of principle, Members of Congress attend the one, in their private capacities ; the

others are attended by the citizens, and also by your Justices of the Peace, Captains, Colonels, and Generals of Militia, Merchants, Doctors, Lawyers and Constables in their private capacities, and each express their opinion on the subject. I see nothing improper in this, sir; to be sure we we did not appoint the Justice or the Constable or the General or Congressmen for the express purpose of recommending a President to our choice; but it is equally certain that we did not intend, nor was it the intention of the constitution, to deprive them of the right of expressing their opinion on the subject, or of recommending their adoption to their fellow citizens. The people may ratify or reject the recommendation, at their own option.

Believing, sir, as I do, that they all stand as to constitutionality on equal ground, I have no hesitancy in saying, that a recommendation by a Congressional Caucus is entitled to more weight than a recommendation by either or any of the afore-mentioned methods. The one is made by a body of men, selected from the mass of the people themselves, to represent their greatest and highest interests—either for their services, or virtues, or talents. They are responsible to us for any opinion they may give on any political subject, or as to any political measure. How is the other made? By whom? Where is the responsibility? Where is the ground-work of confidence? We know, sir, that these ward or town meetings, in many places, are reduced to a perfect system of faction and intrigue. They are generally set in motion by some busy, bustling intriguer. He advertises a town meeting, to take into consideration the Presidency, or the state of the nation, or some other matter. The meeting is attended by the idle, or the curious, or the factious, with a large intermixture, in most cases, of the very lowest of the people. The mover of the meeting has a set of resolutions ready prepared; they are introduced, and, no matter what principles they inculcate, or what characters they degrade or exalt, all opposition is hooted down. This act of a ward meeting or town meeting, as it is called, forced into existence nine times out of ten, by some broken office hunter, or led captain, or lick-spittle, or parasite of some great man, and consummated by the fiat of such an assemblage, goes forth to the world as the unanimous opinion of the citizens of such a town or county. Surely this sir, is not entitled to as much respect as the recommendation of the Representatives of the nation, acting as individuals, whose character is at stake, and who are pledged for their imparti ality, and who, from their official situation, have the best opportunity of becoming acquainted with the merits of the respective Candidates for office, and of the principles by which they are actuated.

I have, Mr. Speaker, remarked on such of the gentleman's arguments against the constitutionality of Caucusing as have occurred to my recollection at this time. Doubtless I have omitted some of them. They will, however, I hope, not escape the observation of those who will, with more ability, succeed me in the debate. It now becomes my duty to notice the second objection which the gentleman has to Caucusing. He alleges, Sir, that, setting all other considerations aside, a Caucus is neither necessary or expedient at *this time*. That the only plausible argument in its favor, viz: that it was necessary to preserve the union of the dominant party against the intrigues of the minority, does not apply now; because

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there are now no party divisions existing. I differ from the gentleman on this point. Where a country or a nation is or has been divided in *principles*, that division will always exist, unless the minority desert their principles and adopt those of their antagonists, or the majority adopt those of the minority. Has either of these events taken place? Have the federalists deserted their principles. No, sir, they deny it themselves —the most honorable of the party repel the imputation with scorn. Is the gentleman from Rowan prepared to say that he, or the Republicans have shifted their ground and adopted federal principles? I presume not, sir. The distinction, then, between the parties exists now, as broadly and distinctly as it did in 1800, or 1810. There does not exist as much acrimony or political heat as there did during the periods aforementioned, because for the present, the federalists have retired from the contest as hopeless; but, sir, they have been beaten and not destroyed, overcome but not annihilated. Sensible of their inability to meet the Republicans and beat them single handed, without aid from some other quarter, they will, I presume, avoid an open contest for supremacy. They will rely upon what, I believe, is their only hope of success—the prospect of dividing the republican party. And I believe, sir, that there is more danger of its division now than there has been, since its existence. I believe, sir, a division will result whenever we are lulled into a dangerous security, by a credulous reliance on the doctrine that there remains no distinction between the old parties—whenever we lose sight of principles, and adhere to men, rather than principles, in pursuing our political career. I believe, sir, that it is the object of these resolutions to produce this division—that it is their object to subserve the interests of one of the candidates for the presidency (Mr. Calhoun) by affecting the unanimity of the Republicans of the U. States. I consider the resolutions, whatever garb they may wear, as intended to elevate this gentleman to the Presidential Chair. On that account, I am decidedly opposed to them. I do not consider that he would, at present, represent the sentiments of the Republicans of N. Carolina. The three prominent candidates for that office Mr. Adams, Mr. Crawford and Mr. Calhoun, all denominate themselves Republicans. But we know that those gentlemen do differ in opinion on political matters of the highest importance to the interests of the country. To the private virtues and public services of all these gentlemen, no one can be more ready or willing to bear testimony than myself. I execrate and despise the infamous slanders that are daily and publicly heaped upon their characters. But it behoves us, sir, nevertheless, to be wary and cautious in examining their political tenets ere we make a selection for our chief Magistrate. In the State of North-Carolina, I conceive that Mr. Adams's claims, however great, will not now be urged with any prospect of success. We must decide between Crawford and Calhoun. And here, sir, I do suppose, that the Republicans cannot hesitate—they cannot believe Mr. Calhoun to be a Republican of the Jeffersonian school; his ideas are too mighty—his plans are too splendid and glorious and magnificent to suit the staid habits and sober views of the people of this country. A numerous and expensive army, governed with Turkish despotism—a gigantic system of internal improvements, carried on by the General Government at the expense of the sovereignty of the States—a consolidation of power wrested from state sovereignty and vested

in the General Government, are, I believe, the fundamental features of that gentleman's policy. They are too gorgeous and magnificent for the simple republicanism of this country, however suitable they may be to the regal dynasties of Europe.

Mr. Crawford, I apprehend, entertains different ideas of Government; he is for a plain, cheap, unostentatious administration, instead of a large standing army in time of peace, he believes the safety of the country is in the free people of the land; he keeps the General Government and state sovereignties separate and distinct—advocates Treasury accountability in public officers: in fine, all those principles, which Jefferson has recommended and the people have sanctioned by their adoption, and approval, ever since the triumph of Republicanism. It is these principles, and not a blind and unconditional devotion to any administration which contitute Mr. Crawford the consistent and exclusive republican candidate, and entitle him to the confidence of the people, and it is the entertainment of contrary principles which I believe constitutes Mr. Calhoun the Federal candidate. They have a strong tendency, a near approximation, to some of the most objectionable tenets of 1798—as Federalists they cannot forward Mr. Adam's election, they will support the other, as entertaining sentiments on government nearly allied to their own; they will play the same game which they attempted without success when De Witt Clinton was a candidate for the Presidency—they will attempt to bring about a secession of some discontented Republicans; and by their aid foist their candidate into the chair, and defeat the Republican ticket—This, I believe to be the effect and design of the present resolutions—and it is with deep regret, with unaffected mortification, that I see some Republicans in this House aiding them in their views. I have been, sir, somewhat amused to perceive that the gentleman from Rowan has, on a question of this magnitude, been unable to back his arguments with any better authority than a few scraps from newspapers. To prove that a Caucus is not a favorite measure with every Republican, he has quoted an anonymous article, said to have been penned by that great political *mystagogue*, John Taylor of Virginia, but which, for aught we know, may have been written by some led-captain to a Presidential candidate—and has also arrayed on his side, the Richmond Enquirer, the National Intelligencer, and Niles's Register. I know not what that gentleman's political creed is, or on what it is founded, nor do I deem it relevant to the subject to quote my belief: But I must say, I do not believe in John Taylor of Virginia, nor in Mr. Ritchie, nor in Messrs. Gales and Seaton, nor in Mr. Niles. I do not believe in the political infallibility of any man, much less of any newspaper. I fancy, there are none of them, in which you may not, in the course of ten years, discover principles advanced and defended of a directly opposite nature. But, sir, that gentleman must know, and does know that a reference to a Caucus has always been had by the Republicans, whenever it was deemed important to concentrate the sentiments of the party on any great national question, the practice has been coeval with the existence of the Republican party, it originated in the "*high* and palmy times of Federalism," "a little ere its mighty Julius fell"—it was the means of producing that

concert and union among the Republicans, which eventuated in the election of Jefferson, and of wresting the government from the hands of the Federalists, from the hands of those who were just hurrying us to political anarchy and ruin—it has been the means of preserving the Republican ranks unbroken up to the present period, it has been resorted to, in the election of Mr. Madison and Mr. Monroe, it is sanctioned even by the authority of Mr. Calhoun or Mr. Adams, it is, in fine, sir, the only means of producing unanimity of sentiment and concert in action, among the Republicans now, and of preventing an incestuous union between the Federalists and discontented or deluded Republicans; and the raising up of a faction composed of such materials, which will be ready either to foster the precocious ambition of a young, unsteady and extravagant *self-styled* Republican, or to elevate to the Presidential Chair, a well known renegado Federalist. With this view of the subject, and earnestly deprecating such a crisis of affairs, I shall give to the preamble and resolutions, a decided negative.

Mr. Sheppard remarked, that it would ever be to him a consideration of the highest gratification that the right of the election of President of these United States, should be secured to the people of the several states composing our Union; but while he admired and applauded this feature of the Federal Constitution, he thought there was but too much reason to apprehend, that the great body of the people, upon whom (in times of public peace and tranquillity, like the present) the General Government has only an indirect and almost imperceptible operation, will be found to manifest too great a degree of indifference about the election of their Chief Magistrate. For whatever measure of excitement may pervade this House while engaged in the discussion, gentlemen may rest assured, that little if any of that spirit will be found to possess their constituents at home. From this belief of the temper and disposition of the people upon the important question involved in these resolutions, he conceived it his imperious duty to guard against all those measures that may have a tendency to withdraw from them the fair and impartial exercise of their constitutional privilege, in a matter of so much importance.

Did he believe, what some gentlemen insisted upon, that the nomination of a candidate for the Presidency by the Members of Congress, would be inoperative upon public opinion, he would not have troubled the House with the expression of his sentiments on the subject; but, as had been observed by the gentleman from Rowan, he believed the nomination at Washington, had heretofore, succeeded in securing the election of the individual recommended, the practice may therefore be regarded as something more in effect than the harmless expression of an opinion; for as it has had, so will it continue to have, if not a binding, at least a powerful influence on the people of this country. Suppose, said he, that before we leave the city of Raleigh, some one of the gentlemen in nomination for the Presidency should be proclaimed at Washington as the *Caucus* candidate, what would the managing politicians of the day say to those of us who might still be inclined to support some other candidate? We should, then, hear much of the folly and inutility of throwing away our suffrage by bestowing it on one who, we should be told, could not succeed for the want of

a caucus nomination, and though for one, he should not be disposed to listen to these sage admonitions, and would support his friend, though he might stand alone in such preference, yet it could not be doubted, that such an appeal, when addressed to the public consideration, would have no little effect in determining the vote of the State, especially when we bear in mind the melancholy fact, that the people have been, and will continue to be, too indifferent about the result: In such a state of things, many will be seen to decline giving their votes, whilst others will be found to join in the support of that candidate who would not have been the man of their choice if they had been left free and uninfluenced by a Caucus nomination. He could not, therefore, agree with the gentleman from Beaufort that the preamble and resolutions, now before the House, were merely designed to have an effect upon the candidates for the Presidency—He did not so consider the question, but regarded it as one that had an immediate reference to an important constitutional principle, and thought that the adoption of the resolutions would go to censure and condemn a practice which, in its exercise, has an alarming tendency to a usurpation of the rights of the people, by making the election of President a mere matter of bargain and sale, by unauthorised individuals at Washington City.

The gentleman from Rowan, in opening this discussion, had expressed a wish to modify the resolutions, so as to make them more generally acceptable to the House; but this opportunity, for the present, had been denied him by the very unparliamentary motion of the gentleman from Halifax.—Should that gentleman's motion fail, the friends of the resolutions will so amend them, as to make them convey a mere expression of the opinion of this General Assembly on the practice of Congressional Caucuses. What right, we are asked, have we to dictate to our Senators and Representatives in Congress? Considering the resolutions as they now stand, and unconnected with the proposed modification, Mr. S. observed, he did not consider them as holding any thing of a dictatorial tone, but as respectfully conveying that instruction and request which the Legislative Assemblies of our own and other States, have frequently exercised, without a question of their right or authority so to do. We have, indeed, no power to control the legislative will of our members in Congress, or to prescribe what shall be their private deportment whilst at the City of Washington; yet we have not only the right, but it is our imperious duty, to convey to them an expression of our opinion upon any question of public moment, and which their conduct may have a tendency to control; still he did not question their power of determining upon the course they might pursue in relation to our request or instruction, by either conforming to the legislative will of their State, or by acting in contradiction to it; but for this, as well as all other acts of their public conduct, they would have to account to their constituents.—One of the resolutions under consideration, called the attention of our members in Congress to an amendment of the Constitution of the United States, so as to provide for the election of Electors upon the District plan throughout the States.

In providing for the election of President and Vice President by the intervention of electors, the Constitution had removed it one degree from the people themselves, and in adopting the mode by which the Electors should be chosen, he should prefer that which would be most likely to pro-

duce the same result, as if the ultimate vote were exercised directly by the people. This he thought was to be attained by establishing the District principle. It was also to be preferred, from its tendency to secure a more general vote, by inducing the people to feel and exercise a deeper interest in the result of the election. But when called upon by the General Ticket plan, to vote for fifteen Electors, situated in different and remote sections of the State, most of whom must be entirely unknown, even by name, to the great body of our citizens, it cannot be expected that they should manifest any solicitude to exercise their constitutional privilege. But we may be told, that the standing and character of the candidates for the electoral appointment will not be sought after by the people, and that they will content themselves by knowing, if elected, whom they will support for President. But gentlemen may rest assured that such had not been, nor would it be the practical result: The people have, and will continue to require some knowledge or proof of the integrity and ability of the individuals whom they are called upon to employ as their agents, in a business of so much importance.

Mr. S. concluded by remarking, that he should vote against the motion for indefinite postponement; and if it did not prevail, he hoped to see the resolutions so amended, as to make them agreeable to all who were friendly to the principles which they contained.

Mr. B. Brown said, in rising to exercise the constitutional right which he possessed in common with every member of that House, he must be permitted to express his regret that the preamble and resolutions, now under consideration, had been introduced at all. He regretted it, because he believed much of our time would be consumed in their discussion, which, in justice to our constituents, ought to be devoted to subjects of useful legislation; that if adopted, they would be inoperative, and therefore useless; as the instructions which they contain, he had no doubt, would be disobeyed by our Senators and Representatives in Congress; that they were extremely objectionable, inasmuch as they proposed for this Legislature to take on itself a jurisdiction which it had no right to exercise. In the course which he should pursue on this occasion, he was uninfluenced by any partiality which he might feel for either of the distinguished individuals who were before the American public as candidates for the Presidency; as such considerations should always be subordinate to the great interests of the nation—Mr. B. said, we were called on by the Preamble and Resolutions to assume an authority which he believed we were incompetent to exercise; we were called on to instruct our Members of Congress how they should act; not in their *public characters*, as Representatives, but prescribing rules of conduct which were to govern them in their *private* capacities as individuals. He believed the right of the constituent to instruct the Representative as to what course of conduct he should pursue on all questions of national importance, was one of the most valuable and unquestionable principles of a free government, but whenever we attempt to dictate to them—not how they shall legislate as Members of Congress; but in what manner they shall act as *private individuals*, we are no longer acting in our legitimate sphere; and we expose ourselves to have the charge of usurpation retorted on us, which the

author of the preamble so jealously labors to fix on Members of Congress, who, as citizens of this country, assemble for the purpose of nominating to the people of the United States some individuals, whom they deem best qualified by their talents and virtues, to fill the executive department of the government. If the Legislature assumes to itself the power of imposing silence on Members of Congress as regards the election of a President and Vice President, the absurd consequence would follow, that they could restrain them in the exercise of any other personal privilege; and might, in the plenitude of their authority, and with equal propriety, adopt resolutions instructing them not to attend the President's levees, lest the purity of their Republican principles should become corrupted. Mr. Brown said, the framers of the constitution, in confiding to the freemen of these States, the election of a President and Vice President, must have supposed that they would exercise that privilege understandingly, and avail themselves of all the information within their reach, from the almost boundless extent of our territory; it was impossible that the great body of the people could have a personal knowledge of the several persons who are in nomination for the Presidency; how then are they to obtain this information? If they resort to the newspapers they are liable to delusion; for whilst one journal ascribes to one of the persons in nomination every moral and political excellence, the columns of another teems with defamation against the same individual, and is unable to discern in him any one quality which would fit him for the Presidency. Where, then, he asked, could the people of this country with more propriety apply for information than to their Representatives in Congress, who have opportunities of estimating the merits and pretensions of the persons in nomination, much superior to those enjoyed by their constituents? But it had been urged, by gentlemen in favor of the resolutions, that a nomination at Washington by Members of Congress afforded the fairest opportunity for the operation of intrigue and corruption on their choice. It is a sufficient answer to this argument, that the Members of Congress, coming directly from the great body of the people; their feelings and interests are in a great degree identified; they are bound to the country by the strong ties of affection and interest, they are responsible to those who elect them for the faithful discharge of their duty, and they are dependent on them for their re-election, and therefore prompted by every motive of patriotism and of self-interest to act with a proper fidelity to the public in their designation of the individual whom they would recommend as President; which recommendation is to have no binding effect on public sentiment—but to be received for as much as it is worth, and no more. If the privilege of making a nomination, which Members of Congress possess to the same extent that other citizens do, should be abused, and they were to endeavor to impose on the people a man who was neither honest nor capable, there is virtue and intelligence enough in the people of the United States to reject, with indignation, the individual who would degrade the highest office within their gift. But it had been said by gentlemen who were opposed to a nomination at the city of Washington, that its great object was to control public opinion, and thereby to create an election in direct opposition to the wishes of the nation. He believed public opinion had uniformly preceded the nominations heretofore made, and had pointed to the individuals who had been recom-

mended as the proper persons to be chosen; that Members of Congress, in expressing their opinions on this subject, were merely the organs through which the sense of their constituents was expressed; that most of the elections to the House of Representatives had been made with reference to this question. But who does the resolutions now before us propose to instruct, asked Mr. B.? One of the gentlemen is a man venerable for his years; whose solid understanding has been enriched by the treasures of experience, and who might, with propriety, be said "to have done the state some service;" who was not less estimable in private life than he was eminent as a statesman; and whose history for the last thirty years, was an ample security to the people of this country, that, on no occasion, would he betray their interests—he alluded to NATHANIEL MACON; and the gentleman from Rowan (Mr. Fisher) must pardon him, if he should say (for he meant no disparagement to the Preamble and Resolutions of which he was the author) he believed the understanding of the individual just spoken of, would not be much *enlightened* on constitutional questions by any reflections which were to be found in that production, he thought it now too late for this Legislature to place so old and so respectable a public servant in leading-strings. The gentleman from Rowan, said Mr. B. has produced an authority in support of his course which is rather unfortunate. He says the state of Tennessee has protested against a caucus being held at the city of Washington. It is true she is the daughter of North-Carolina, but however highly he might admire her military prowess and patriotism, he feared she had degenerated from that pure morality in her legislation which he hoped would always mark the course of her ancestor. But a short time has elapsed since the legislature of that state acted on the very principle by nominating Gen. Jackson to the people of the United States as President, which Mr. Grundy (the mover of the protest) and the Legislature of Tennessee now so much reprobate as unconstitutional and of dangerous tendency. If the Legislature of Tennessee assumes the right of nominating a President, surely they should not object to the exercise of the same right by others—We are told by gentlemen, that a recommendation of some person as President by Members of Congress, has never been resorted to, except when important principles were involved; and if it was ever useful, it is now entirely unnecessary, as party rancour has subsided; and it is no longer a question of principle, but a choice of men. The nomination of Mr. Monroe was an instance to the contrary; the nation at that time had just emerged from a war in which she had been signally triumphant; our navy had acquired imperishable renown; our armies had won a succession of the most splendid victories, and party spirit had in a great degree become extinguished in the general joy for the return of peace. The Republican administration had at no period reached a prouder elevation than they enjoyed at that time: and opposition to Mr. Monroe, on principle, had never been thought of. Precedent, therefore, did not bear gentlemen out in the assertion that all nominations heretofore made were when great principles were involved.—Mr. B. was opposed to the passage of the Preamble and Resolutions on another ground; they contained a grave charge against Members of Congress who met in Caucus. It was asserted, in substance, in the Preamble, that they were guilty of the crime of perjury, by violating the spirit of the

constitution which they had sworn to support. This, he said, was a reflection on three of the distinguished individuals who were candidates for the Presidency, Mr. Clay, Mr. Crawford, and Mr. Calhoun, all of whom had attended meetings of this kind, some of them more than once. Their characters were the property of the nation; and he was not disposed, by adopting the principles of the preamble, to sanction the degrading charge of perjury, which it made against those persons and all other who had attended such meetings; as if it is a violation of the spirit of the constitution now, it was equally so heretofore. But gentlemen object to a nomination at Washington, because it is calculated to defeat that provision of the constitution, which declares, if no election is made by the people, then the House of Representatives shall elect. It is alleged, that inasmuch as a nomination by making an election certain, prevents that provision from going into operation, the constitution is violated. If this be a breach of the constitution, then every assemblage of the citizens of this country to promote the success of a particular candidate is equally a breach of the constitution. As well might it be said, if our present worthy President were dangerously ill, he ought not to employ medical assistance, because, if he recovered, that provision of the constitution would be defeated, which clothes the Vice President with his authority in the event of his death.—Such reasoning would not be more preposterous than the argument just mentioned.

Mr. B. said, the experience of the last twenty-three years furnished ample proof that no such dangerous consequences as had been apprehended, would flow from a nomination by Members of Congress. The last four illustrious individuals who had filled the Presidency, were recommended by our Representatives in Congress; and no government in the history of the world had been administered with more ability and integrity than ours. Those who were then opposed to a nomination, predicted the subversion of our constitution and the destruction of our liberties; yet notwithstanding all these evil forebodings, our constitution still survives in its orignal purity; and the citizen yet enjoys unimpaired all the rights that a free government could bestow. Gentlemen on the other side claim exclusive friendship for the people; they wish to put down a practice which wrests from them the privilege of making an election. Mr. B. asked, who were the friends to the people? Those who were for pursuing such a course as would unite public opinion and make it effective in the election of a Chief Magistrate, or those who were for preventing that course, and, in effect, defeating the will of the majority, and thereby causing the election to devolve on the House of Representatives, where the door to intrigue and management was open; where the Representatives of two millions of souls in the small states, will have as much weight as the Representatives of seven millions in the large States? By a reference to the census of the United States, it will be seen, that the state of North-Carolina has a population nearly equal to seven of the small states; and that the great state of New-York is superior in number to ten of the small states; yet, if the election was decided by the House of Representatives, where each state would be entitled to a single vote, the two populous states which he had spoken of, would sink to a level with the little state of Illinois, which contains a population not exceeding sixty thousand souls; and which is

entitled only to one Representative on the floor of Congress. Mr. B. remarked, if the election went to the House of Representatives, corruption and intrigue could effect a conquest over the integrity of our Members of Congress with much more ease than they could in a caucus; in the latter, each individual Member voted, and a majority must be gained; in the former, where the votes were given by states, thirty-one Members of Congress could elect a President. In his estimation, this was the most obnoxious feature in the Federal Constitution, a Chief Magistrate might be imposed on the nation, by this mode of election, in direct opposition to its wishes: This House cannot have forgotten the imminent danger to which our constitution had been exposed, on a former occasion, when the election was thrown into the House of Representatives; the spirit of party was prepared to sacrifice it at the unhallowed shrine of ambition; a powerful faction in Congress, boldly spoke of making a President by law; which would have produced all the horrors of a civil war. Believing that a nomination of some individual for the Presidency by the Members of Congress, would have the effect to avert an evil so justly dreaded; believing that it would unite public sentiment, and enable the people to succeed in making an election, he should vote for the indefinite postponement of the Preamble and Resolutions, and was in favor of a nomination at Washington, a proceeding which prudence dictated, example sanctioned, and experience taught us was productive of no evil consequence. Mr. B. concluded, by expressing his sense of the obligation which he was under to the House for the indulgence which they had extended to him.

Mr. J. A. Hill said, he should not attempt to follow the gentleman last up through all his arguments. He seemed disposed to revive a party-spirit which he had hoped would have been suffered to sleep forever.

The gentleman had said, that members of Congress were better calculated to select a fit candidate for the Presidency than the mass of the people could be supposed to be, who must necessarily be unacquainted with the merits of such as might be held up for that office in different parts of the Union; which was, in effect, saying, that the framers of our Constitution had given to the people a privilege which they were not capable of exercising with propriety. Our present worthy Chief Magistrate, in his late communication to Congress, seems to think differently. He says, "We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement, and to be led astray by their particular interests, and passions, than the great body of our constituents, who, being at home, in the pursuit of their ordinary vocations, are calm, but deeply interested spectators of events, and of the conduct of those who are parties to them. To the people every department of the government, and every individual in each are responsible; and the more full their information, the better they can judge of the wisdom of the policy pursued, and of the conduct of each in regard to it. From their dispassionate judgment, much aid may always be obtained, while their approbation will form the greatest incentive, and most gratifying reward for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests in all vital questions are the same; and the bond by sentiment, as well as by interest, will be proportionably strengthened as they are better in-

formed of the real state of public affairs, especially in difficult conjunctures.—It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our union is formed and steadily adhered to."

The Legislature of each State has the power to determine in what manner the electors of a President and Vice-President of the United States shall be chosen. They are generally chosen by the people either in districts or by general ticket. And is there a man in this house willing to surrender this right? He knew there was not; and if we are unwilling to part with the right, we ought to take care it be not encroached upon. When members of Congress meet in Caucus, it is said they meet as individuals. This is true, but they do so without authority; and if they continue the practice, they may hereafter claim the privilege as a right. Indeed their nominations have heretofore always had a binding effect on the people.

The impropriety of this course, appears from this consideration. If the Electors fail to make choice of a President, the election devolves upon the House of Representatives of the United States: and can it be supposed that, after many of these members had met in Caucus, and joined in the nomination of a President, that they would be fitted to act impartially in this new situation of things? He very much doubted it. They would certainly appear as partizans for their favorite Candidate, without regard to other considerations.

But gentlemen say there is great danger to be apprehended from the election coming into the House of Representatives, and that the nomination by Members of Congress is desirable to prevent this issue of the election. So that, in his view, in order to avoid danger, we run madly into it. He acknowledged that he would greatly prefer that the President and Vice-President should be elected by the Electors, freely chosen, because there would, in such a course, be no possibility of corruption; but if it happened otherwise, he should be satisfied with the result, as being agreeably to the provisions of the Constitution.

The argument adduced in favor of Caucuses, that they have been used on former occasions without producing any bad effects, had no weight with him. He deemed the practice contrary to the spirit of the constitution, and more honored in the breach than the observance.

Mr. Bynum said, he rose with peculiar diffidence, to submit to the consideration of the House, those reasons which would influence him to vote in favor of the indefinite postponement of the resolutions on the table. On this occasion he should have preferred giving a silent vote. But silence in him, at this time, might be construed into a dereliction of duty. Having not been much in the habit of addressing public bodies, he was apprehensive of experiencing some difficulty in communicating his sentiments to the House on so important a subject; but courage, said he, should regard only the cause it advocates; being conscious of the correctness of that, it should despise the perils and dangers that attend its pursuit. No gentleman on this floor, said Mr. B. more truly regretted the introduction of this distracting question than he did; but as it had been brought before the House, he was disposed to contribute his mite in disposing of it in the

briefest manner possible, which he conceived would be effected by postponing it indefinitely.

In reply to the remarks of the honorable gentleman from Rowan, which he believed were mostly taken from the Preamble and Resolutions then on the table; who commences by telling us, that a meeting of the members of Congress, to consult together on the question of the Presidential Election, which meeting he has seen proper to term a *Caucus*, is contrary to the letter and spirit of our Constitution. But, Mr. Speaker, said he, I defy that gentleman or any other on this floor, to lay his finger on any clause in that instrument, which prohibits the holding of such a meeting.

The gentleman has also told the House, that the Washington Caucus, in effect, chooses the President by the nomination they make. But is this the fact? Is it obligatory on the people to ratify or sanction a recommendation of a meeting of their members of Congress? As well might we say, it is obligatory on us to adopt the advice of a friend, or to marry the woman who is recommended to us by our parents. That gentleman further observed, that the Constitution of the United States prohibits members of Congress from being Electors, and therefore, it might be inferred, that it was not intended that they should, in any way, interfere in the election of a President. But, what appears to me a contradiction in terms, in the next breath, he informs us that any previous expression of their opinions might have an improper influence on their final vote, which belongs to them agreeably to the provisions of the Constitution. So that it seems in one place they have something to do with the election, and in another they have not. In support of his opinions, the gentleman makes a long quotation from Mr. Niles's Register, which he seems to consider as perfectly orthodox. But who is Mr. Niles? He is the Editor of a paper, whose sentiments readily accommodate themselves to his own interest, and whose opinions vary with the times. The gentleman goes on to state that Caucuses give rise to intrigue and bribery. But I would enquire, said Mr. B. of that gentleman, if it would not be easier to bribe thirteen men, than one hundred and thirty? And if no election is made by the people, the question may be decided by a majority of twenty-four votes—that is, a vote for each state in the Union.

It was observed, by my friend from Stokes, continued Mr. B. that my motion for the indefinite postponement of the resolutions, was an infringement of parliamentary decorum. Sir, I came not here, to attend to the rules of foreign parliaments, or to be bound down by the etiquette of courtly ceremonies; but to guard the interest and protect the rights of the people, whose servant I am. He has told us too, that Caucuses are no new things. I perfectly agree with that gentleman. Caucuses of the very kind that he now so loudly condemns, have been constantly resorted to for twenty-four years in all cases where several candidates have offered for any important office; nor have we ever heard of any mischief arising from them; but, on the contrary, much good, by preventing a division of strength in those who have the same end in view. But, Mr. Speaker, regardless of every other consideration, when I reflect upon the present happy and prosperous situation of our country and compare it with the distracted and disturbed condition of the different powers abroad, I confess that I am influenced by a double incentive to oppose any measure whose object is an alteration in

our present political system, while England and Ireland have groaned under the yoke of poverty and oppression. While France has been drained of her richest treasures, and poured out her dearest blood on the altar of ambition; while Germany, harassed by divisions and contentions, has been compelled to impose her gag-laws to prevent the free circulation of knowledge; while the proud Autocrat of Russia, has not dared to venture himself amongst his own subjects, for fear that vengeance might overtake his acts of oppression, the American people have continued to reap the benefits of a government, at whose head has stood for twenty-four years, a President, placedt here by the recommendation of a Caucus nomination.

But, gentlemen, have called those meetings conspiracies. Is this, asked Mr. B. the fact? If he understood any thing of the nature of these meetings, they consisted of a number of members of Congress, who meet together, in order to express their opinions on the fittest man in the union, to be trusted to preside over the nation as supreme magistrate. And who, he asked, could better determine this question, than a set of men chosen by the people themselves, for their virtues, their talents, and their patriotism, many of whom, probably are well acquainted with all the different candidates for that office? It is impossible that the mass of the people, in every quarter of the union, can be personally acquainted with the candidates, and they are therefore dependent on those who are, for proper information on that subject. And who are better qualified to inform them than their immediate Representatives? he thought none, though, gentlemen, had held up these meetings, as a "*raw-head* and *bloody-bones*," to alarm the people, and to enlist on their side the prejudices of the vulgar.

The most violent opposers of these meetings themselves, hold similar ones annually, for the purpose of nominating their Members of Assembly and Members of Congress. Mr. B. alluded to the Tammany Society of New-York, where the first alarm respecting Caucuses was made; and he had been informed that Mr. Grundy, the author of the Tennessee Resolutions, which was the prototype of those which lie on our table, was himself once the warmest advocate for the Caucus system; but as the proposed Caucus, will not, it is believed, promote his views in relation to the next Presidential election, he is now violently opposed to it.

To abandon a system at this time, which has been uniformly acted upon with success, by the Republicans of the Union, would be yielding up the sword of victory into the hands of our political enemies—it would be clipping off the locks from the head of our political Sampson, and drawing on our shoulders, hordes of conquering Philistines.

Besides, said Mr. B. I would enquire what right has this house to instruct our Senators and Representatives in Congress? Has our constitution given us any such privilege? If so, I would be glad that gentlemen would point it out. If indeed we have a right to instruct our Representatives in Congress, they have the same right to instruct us, for we derive our authority from the same source, and are both amenable to the people for our conduct. But how would such instructions be received by this house? Would they not be treated with that contempt which they would most richly merit? They certainly would. What benefit do gentlemen expect to derive from defeating the good old course of a recommendation by a majority of our friends at Washington? He had yet heard of no advantage to

be derived from such an event. The result would certainly be, that there would be no election by the people. We know that there are five candidates for the Presidential Chair, and no gentleman on this floor can say, if they be all voted for, that any one of them has any chance of being elected. And if there be no election by the people, the election must, of course, go into the House of Representatives. He had been taught, that Aristocracies were the worst of all governments. Here we should see the few govern the many, contrary to every Republican maxim of government. The thirteen small States, containing a population less than three millions, would have it in their power, to give the United States a President, contrary to the wishes of eleven of the largest States, containing more than seven millions and a half of inhabitants. Would this be a result consistent with Republican Government? Surely it would not, and a President thus elected, might have views directly opposed to those of a majority of both Houses of Congress; which would be pregnant with the greatest dissatisfaction to a large majority of the Nation, and evils might emanate from it which our latest posterity might rue. But, sir, said Mr. B. I do trust, that this country will be preserved from such a state of things, by holding fast to the good old course hitherto pursued. I do trust, that the Republicans of the present day, will not prove themselves the unworthy offspring of their honored and venerated progenitors, whose blood and treasure, have purchased those liberties, of which we now so proudly boast. I do hope, said he, that the fire of 76, is not yet entirely extinguished in the breasts of my countrymen. Mr. B. had no doubt that incendiary agents were now travelling to and fro, throughout this country, preaching up discord and division, in order to divide the strength of the unsuspecting Republicans of the Union, in relation to the pending Presidential election. Let us, said he, look around us, and see if there be no *Judases* amongst us, by whom we may be betrayed into the hands of our enemies.

It has been asserted by an honorable gentleman on this floor, that those who composed the Caucuses at Washington, were a combination of intriguers and traitors. If so, they have been of a very friendly character to this Union; for they have given us a Jefferson, a Madison, and a Monroe, than whom, Athens, nor Sparta, Rome nor Carthage, have never boasted of profounder politicians, or more accomplished statesmen. While a Caucus continues to produce such blessings to the Nation, he implored gentlemen to leave it unhurt, as an ancient oak of the forest, whose fostering branches have afforded us shelter and shade, from the scorching rays of party animosities. But before I conclude, added Mr. B. let we remind gentlemen of the following trite, but correct maxim, which is applicable to this, as well as to other occasions, "*united we shall stand, but divided we must fall.*

Mr. Helme rose, and made some remaks against the indefinite postponement of the Preamble and Resolutions; which, as the Reporter did not distinctly hear them, and Mr. H. though applied to, has declined to furnish a sketch of them, we are under the necessity of omitting.

Mr. Roane said, that when these resolutions were first introduced, he saw no great objection to them, but, on examining the Preamble he

thought it very improper. He was therefore opposed to the proposition altogether.

The 18th section of our Bill of Rights, says, "that the people have a right to assemble together, to consult for the common good, to instruct their representatives," &c. He saw no impropriety in our members of Congress meeting together, and advising their constituents as to the candidate for the Presidency most likely to answer their expectations. There was nothing in this that infringed any principle of the Constitution. His constituents knew but little of Mr. Crawford, Mr. Adams, or Mr. Calhoun. And where must they enquire for information?—Their neighbours know as little of these gentlemen as themselves. To whom, then, can they apply with more prospect of success, than to our members of Congress? What he wished was, to have the people well informed. For himself, he had little preference for any of the candidates. He did not believe the Members of that House were expected by their constituents to instruct our members in Congress. All the rights which the people have not delegated, are reserved to them; but one of the first things we see in the Preamble to these Resolutions, denies to our members of Congress the right to act in relation to the Presidential question, as they judge proper. We, in our court-houses and other public places, meet and consult on public affairs whenever we please, and yet it is proposed that we shall say to our Representatives in Congress you shall not meet together. For his part, he was willing to hear the opinion of our members of Congress, on this subject or any other. He did not think either he or his constituents would be injured by it.

Mr. Alston, had hoped, that the Preamble and Resolutions now before the House, would have taken a different course, he wished the motion to postpone them indefinitely had not been made, and that, they might have been permitted to have been referred to a committee of the whole House, where their merits and demerits would have undergone a full and fair investigation; but as the motion to postpone indefinitely precluded him from any attempt to shape them as he wished, he should vote againt it, with a view, if the motion should not prevail, to propose such amendments or modifications as would make them acceptable to himself, and perhaps to others situated as he was.

He did not believe with gentlemen who had preceded him in this debate, that Caucuses either violated the letter or spirit of the Constitution; for though there was a clause in the Constitution of the United States, that said no member of the Senate or House of Representatives should be an Elector, it could not be construed in such manner as to prevent them from expressing an opinion as individuals, who they might prefer as President and Vice-President of the United States. He himself had been in several Caucuses, and never thought he had violated the letter or spirit of that Constitution we had all so solemnly sworn to support. When the attention of parties in this country was at as high a pitch as they ever had been before or since, he well knew, that both sides had caucused: he alluded to the celebrated contest between Jefferson and Adams, when Jefferson succeeded to the Presidency of the United States. He would mention a circumstance which tended to shew what he said was true. At the preced-

ing election, Charles Cotesworth Pinckney was run with Mr. Adams, who, at a Caucus, was withdrawn, and Maj. Tho's. Pinckney substituted in his place. He never considered the minority absolutely bound in a Caucus to surrender their opinions to the majority, for he well remembered that a Resolution was once submitted in Caucus so to bind them, and being objected to, it was withdrawn. Generally speaking, the will of the majority had been acquiesced in. In fact, he never knew an instance to the contrary; for the object of a Caucus was to harmonize and unite the party, so that a division should not take place, and give their opponents an opportunity of taking advantage of their divisions and place a man in the Presidential Chair against the will of the predominant party. But, said Mr. A. is there in the present contest for a President of the United States any thing like that state of things which heretofore existed? Certainly not, there is no contest about party, nothing like principle involved in the question. All the candidates who have been brought before the public, are of the same politics, and all of them had distinguished themselves as honorable and patriotic men, and which ever of them should fairly be elected, he should cheerfully support the administration of, provided he did not violate the example and principles which his great predecessors had set before him. Mr. A. further observed, that if gentlemen would take a survey of the U. States, they would find, if he might be allowed the expression, that the most high-toned of each of the old contending Parties, were divided about who shall be our next President, and was there any thing strange in this? He contended that the best, wisest, and most patriotic men in our country, perfectly uniting in principle, may honestly differ about men. He said, that the present was a contest about men, and not about measures. He therefore did think, that any measure calculated to prejudge or bias the intelligent and enlightened people of the American Republic, in the exercise of their free choice, at this time, and under existing circumstances, useless, unnecessary and improper. Leave the people to exercise their own independent will, and they seldom err. He had no objection to declare this as a legislator or an individual; at the same time, he expressed his decided disapprobation of the Preamble and Resolutions as they now stand; but reject the motion to postpone, and you have then perfectly at command, you can alter, change or modify them as you please. It does not follow at all, if you reject the present motion to postpone indefinitely that these resolutions are to be adopted: for he should vote himself against passing them, unless modified to suit his views. Are gentlemen afraid to meet the question fairly, openly and manly? He hoped not, why then not let us have an opportunity of placing the question before the enlightened and intelligent public in the best possible shape in which it is susceptible? Mr. A. further observed that his great objection to the election's finally going into the House of Representatives had very much diminished, when he took a view of the late Amendment to the Constitution of the United States. Before this Amendment took place, a choice had to be made from the five highest upon the list of those voted for as President and Vice-President of the United States; by the amendment, the House of Representatives are to make an election out of the three highest voted for as President. Could gentlemen see no difference here? As the Constitution formerly stood, one large state might bring its candidate within the five highest, and prevent an election

by the people ; but now, it would take a combination of three of the largest states to accomplish that which one might have done before the Amendment. Again, in the event of no election being made by the House of Representatives, the Amendment provides that the Vice-President shall become President. You will, therefore, be sure of a President, whether the House of Representatives make an election or not This provision he considered of vast importance ; for he well knew that an opinion prevailed among the best and wisest men in the nation, that, in the event of no election being made, as the Constitution stood prior to the Amendment, that the Union was dissolved ; that we should have been left without guide or compass to steer the National ship.

The gentleman from Beaufort, (Mr. Blackledge) has emphatically told us, that we are, by this motion, to test, whether we approve or disapprove of the Preamble and Resolutions as they now stand. Had it not been for this remark, he (Mr. A.) might have been spared from troubling the House with any observations. Now, Mr. Speaker, continued he, can this motion try the question, when so many of us declare we are opposed to the Preamble and Resolutions as they now stand, but have no objection of expressing our opinion as to the propriety or impropriety of a Congressional nomination ? If a Congressional nomination amounts to an election, as gentlemen I have no doubt believe it will, or why so solicitous for it, he, for one, would prefer, at the present time, when all party distinctions were lost, that the election should go into the House of Representatives, rather than to be thus made. He feared nothing from a combination of small States. Let any gentleman cast his eye around, and take a survey over the U. States, he would find the small States scattered over this wide-extended continent and intermixed between the large States possessing totally different interests and views ; an union therefore, of small States to the prejudice of the union, is next to impossible, neither had he any fear that corruption would or could find its way into the House of Representatives. But, on the contrary, in Caucus, a few large States combining together, taking with them a few small States, could make an election. For instance, let New-York, Pennsylvania and Virginia combine, and they will fix on you whom they please. And is it at all unlikely that one or two demagogues in each of those States may sway the balance ? Here, then, you can have a President palmed upon you by a fewer number of members of Congress, than you would be likely to have, if the election should finally go into the House of Representatives ? Why, then, shall we be deprived, by the present motion, of expressing our opinion in that shape that best suits our views ? If the resolutions cannot be made satisfactory to the majority of the House, they can still be rejected, or even then postponed, if it be the wish of a majority.

Mr. A. said, he did not intend to follow the example of some gentlemen, by making remarks to the prejudice of any particular candidate, he would, however, take the liberty of stating to the House, what would be recollected by every Member in it, that some two or three sessions of Congress past, a certain set of motion-makers had started up in Congress, for their motions had been printed in every part of the United States, calling for information, as he verily believed, to create a prejudice against the present administration. They soon found themselves mistaken, and they

changed their mode of attack. If his memory served him, their next attack, Mr. A. said, was directed at the head of the State Department; but when the doors of his bureau were thrown wide open to the call, and every thing they called for given, clamour on that head was soon hushed into silence. Their next attack was directed against the War Department, and if one hundredth part of what was said and insinuated, had been true, he was quite certain that the officer who presides over that department, would not, in this Assembly, find a man to raise his voice in his favor; but what was the result, that officer, with a promptitude that always characterizes his conduct, gave all that was called for, and completely, put to shame those who had made the call. He shewed to them and the nation, that instead of extravagance and waste, he had brought chaos to system, and had actually, by his arrangement, saved millions to the nation. He had reduced the expense of each man in service nearly one half. He asked gentlemen to recollect what had recently taken place far up the Missouri river, American citizens had been butchered, plundered and deprived of their hard earnings, the ground had been stained by the blood of white men, by the savage tomahawk and scalping knife, and many thousand dollars worth of property lost, all of which was owing to this party, who prevented by their motions in Congress, a force from marching in time to take post high enough up the river, so as to have saved harmless, such of our enterprizing citizens who might have ventured in pursuit of game. It would seem as though the Secretary of War had foreseen the events which have followed; for he had actually given orders to march an armed force, and to erect a fort high enough up the river, to have prevented what has occurred, but was prevented by an interference, improper and unwise, to say the least of it. He should, therefore, unless gentlemen permitted him a fair opportunity of amending the Resolutions, be compelled to vote against the motion to postpone indefinitely.

Mr. Croom.—I should consider myself chargeable with a dereliction of he duty I owe that respectable portion of the State, which I have the honor o represent, were I to remain silent on the important question now under iscussion. These Resolutions propose, by an expression of the legislative will, to discountenance the dangerous practice of Caucusing, and to recommend that the district mode of electing Electors should become uniform throughout the Union. To both these propositions I am decidedly friendly. An ardent admirer and sincere friend to our free institutions, I shall always contribute my best efforts to their preservation, and oppose with alacrity any attempts threatening their existence or purity. The brightest feature in our charter of liberty, and one upon which our political fabric is mainly based, is the right of free suffrage. That this right becomes important as the object for which it is exercised is so, must be conceded. No person can then deny, that this right is in no other instance, of its exercise so valuable, as in the election of the Chief Magistrate of the Union. Did the venerable sages who framed our Constitution view the subject in this light? That they did, no one can doubt, who will bestow a moment's reflection on the anxious solicitude which they evinced to guard the purity of the Presidential election, whether threatened by aspiring demagogues at home, or by selfish and corrupt intriguers from abroad. If there be any one part of our

Constitution on which its framers bestowed greater consideration than on any other, it is that part which secures the purity of the election of our Chief Magistrate. The happy plan devised, shews at once their wisdom and the success of their labours. There were two prominent evils apprehended, and against which they were to guard. The one was the tumult, passion and disorder, incident to all large assemblies; the other, the cabals, intrigue and corruption, to which all pre-existing bodies are exposed. The plan devised and incorporated into our Constitution, happily avoids both these evils. Our Electoral College assembles in detached and small bodies, and has but a brief existence. But to both these objections is Congress, as an electing body, liable. It is a large and pre-organized body. We are told, however, that members of Congress are not the Electors of the President. Let gentlemen, however, look at the fact, and candour will oblige them to admit, that according to the Caucus plan, the members of Congress virtually elect the President of the United States. Their nomination is, in effect, a dictation. This ought not to be so. It is an unholy usurpation of power not delegated by the Constitution, and exposes us, in the choice of a Chief Magistrate, to all the evils against which the framers of our Constitution designed to secure us. I consider the Caucus meetings held at the City of Washington, for the purpose of nominating a candidate to fill the office of President of these United States, as unconstitutional, anti-republican, dangerous to liberty, and operating injustice to the rights of the small States. Unconstitutional, because the members of those meetings practically transcend their constitutional powers; anti-republican, because they are calculated to rear up a political Aristocracy, and thereby vest in the few that power which belongs to the many; dangerous to liberty, because they are, in truth, an usurpation of some of the dearest rights of freemen; and injurious to the rights of the small States, because they are thus deprived of the chance which the Constitution guarantees to them of having an equal voice with the large States in the election of a President, whenever the choice devolves upon Congress. These positions, if not self-evident, have been so ably established by my honorable friend from Rowan, that it would be superogatory for me to dwell longer upon them. We have been told by the gentleman from Beaufort, that these Resolutions were introduced with a view to the Presidential question. Sir, to my mind it seems disingenuous, when propositions are before this House, stamped with public good, capable of bearing the test of ages, and divested of every local, temporary or party feature, to endeavour to excite the prejudices, and blind the understandings of those to whose consideration they are submitted. Do these Resolutions wear any thing of this kind on their face? They exhibit the fair aspect of Republicanism; they are politic and ought to be adopted. But gentlemen object to a principle contained in these Resolutions, the right of the constituent to instruct his Representative. They have been repeatedly told by the friends of the bill, that if an opportunity were given, they would willingly put them in such a shape as to render them unexceptionable in this respect. This liberty, however, has been denied them. I sincerely hope that a majority of this House will afford an opportunity so to amend the Resolutions as to make them an expression of the will of the Legislature, as I believe such an expression would have a direct tendency to put down the practice of which we complain.

The gentleman from Caswell, gravely tells us, that though members of Congress are prohibited to be Electors, yet that should not prevent them from meeting in their private capacity, to recommend some suitable person for the Presidency. Sir, no one who has observed the effect of such recommendations can deny but they are in truth dictations. In what instance, I would ask, has the recommendation of a man to this office failed to insure his election? I have no doubt but members of Congress, through the instrumentality of Caucuses, do indirectly, what the Constitution prohibits them to do directly—not merely designate, but make the President. Again we are told, that a Caucus is necessary to keep the dominant party in power. Sir, it is well known that at present there is but one party in the United States —all are friends of the present administration. If any parties do exist, they are but in embryo, and have been produced by the conflicting claims to the Presidency. It cannot be said that there is, at this time, any dominant party. But if there were such a party, shall we adopt a principle, which clothes with authority a body of men, in open and manifest violation of the genius of our Constitution? Let me further ask, if it has always happened, that the interests of the dominant party is identified with that of Republics? History teaches us such parties have often proved the bane of free governments. Often, under the specious pretext of promoting public good, have they abused their power to secure self-aggrandizement. Until, therefore, it is shewn, that there is a dominant party, and that the interest of that party is the same with the interest of the government, it is believed that this argument of gentlemen can avail them nothing. It has been said, by my worthy friend from Beaufort, that opinions of eminent men against Caucuses are not to be regarded; but I trust, that this House will respect such opinions on this as well as on other subjects. The father of his country has said "that all combinations of individuals for the purpose of controlling or influencing the free exercise of Constitutional rights or powers, are seriously to be deprecated." Here is a direct and unequivocal condemnation of Caucusing by the greatest Patriot and Statesman of any age.

Gentlemen say, that we are unnecessarily consuming the time of the House by this discussion. Sir, in my humble opinion, the time of this House could not be better employed, than in discussing a question of such vital importance to the welfare of our constituents. It is of more importance to the good of our State, to put down Caucuses, than to restore to credit rogues and swindlers. The gentleman from Caswell informs us, that a Caucus nomination has no binding influence. This is really new. I believe however, it will not be found correct in fact; as no one can say, that such a nomination has not the same effect as if it were obligatory. What is the practice? Members of Congress go into Caucus and nominate their candidate. The members of the State Legislatures then go into Caucus, form an Electoral ticket, and recommend the Caucus Candidate and the Caucus ticket to the support of the people, which proceedings produce the same result, as if they were sanctioned by the Constitution. And thus, Sir, are the freemen of this country ingeniously divested of a most sacred and invaluable privilege. We contend that members of Congress have no right to form a Caucus for the purpose of influencing the Presidential election; because they are elected for an entirely different purpose. When they act in any other capacity than as Legislators, they transgress their

Constitutional powers. When they do it with a view of influencing the election of the Executive, they encourage an union of the distinct Departments of the government, which, if effected, would produce tyranny and anarchy.—Members of Congress are moreover exposed to the improper influence of the Candidates who will generally be at the Seat of Government, and it would be saying too much for human nature to assert, that these Candidates, will not frequently use every means to promote their ambitious views. We have been told, that it would be improper to adopt these Resolutions, because one of our Senators is too venerable and virtuous to be instructed by this body. In this country, Sir, we should never allow the creature to be esteemed greater than the Creator. But if all our delegation were like the Gentleman alluded to, it would be useless to pass these Resolutions, as it is well known he never attends Caucus meetings. Others of our Representatives, it is to be feared, have not the same scruples. The Legislature of Tennessee has been referred to, as having recently passed similar Resolutions. An attempt is made to impair the force of this example, and how? By saying that Tennessee has eternally disgraced herself by refusing to the citizens of North-Carolina the right to sue for lands in her Courts—We are told, that this one act so irretrievably darkens her character, that she is a stigma on the house from which she sprung. Sir, with this blot on her escutcheon, we have cause to be proud of our offspring. The citizens of Tennessee are high-minded, intelligent and enterprising. They are distinguished in the field and in the Cabinet. Her sons have displayed acts of gallantry and noble daring which would do honor to the proudest nation of the earth. Let then, the example of Tennessee have its full weight. Aware that I shall be followed by gentlemen who are more competent than myself to do justice to this important subject, I will not trespass any longer on the patience of this honorable body—I hope the Resolutions will not be indefinitely postponed.

Mr. J. F. Taylor, next rose; and we are sorry that though we had handed him our notes for the purpose, the pressing engagements of this gentleman have prevented him from writing us a correct copy of his Speech on this occasion. We are, under the necessity of giving to our readers such a sketch of his remarks as we are now able to make out.

Mr. T. commenced by justifying the motion under consideration, which, by its opponents, had been called illiberal and unparliamentary. He contended that it was right for those members who thought it improper to pass any resolution like the present, to move an indefinite postponement of the question, by way of trying the principle; for if a majority of the house should prove to be of this opinion, it would save the time which would be consumed in attempting to amend the proposition.

Are we prepared, asked Mr. T. to assume a power which we are unwilling to allow to our Members in Congress, by giving to them instructions how to act, though we deny their right to meet together, and to give us any information on the subject of the Presidential Election? Gentlemen had gone so far indeed, as to say, that it is unconstitutional for Members of Congress to express an opinion on this subject, though he knew of no article in the Constitution that gave any countenance to such an opinion. It is true, that Members of Congress are prohibited from being Elec-

tors ; but they are surely as much at liberty to give their opinions in favor of this or that candidate for the Presidency, as any other of our fellow-citizens.

It is given as a reason why Members of Congress ought not to interfere with the election of the President, that the Executive and Legislative Departments should always be kept distinct. But does the expression of an opinion by Members of Congress of the fitness of a candidate for the Presidency, bring these two powers in contact? Do we not even elect our Governor, and yet our Legislature is not charged with an improper interference with the Executive branch of the Government.

It is said, that if the recommendation of a Caucus has no effect on the election, it is uselsss ; and if it has an effect, then the Members of Congress elect the President. This is surely not the case ; it is merely a recommendation, which will receive no more attention than it deserves.

It is true, that those who nominate a man for office, give their aid and assistance in electing him ; but if the nomination be not agreeable to the people, it will by them be discountenanced, and will not prevail. And Members of Congress knowing this, no man will ever be nominated at Washington, who is not esteemed the most popular man in the country. But if no recommendation be made, the people will be at a loss to know who is the most fit man for the office, and will be liable to be misled by men who wish to promote their favorites in different sections of the Union, and the votes of the people being thus divided, no election will ever be made by them. And said Mr. T. the true reason of the opposition made to a Congressional nomination is, that gentlemen are apprehensive that the man whom they wish to elevate to the Presidency, will not be the man who would be recommended from Washington. This is the course taken by all minorities ; who know, that to divide the force of the majority, is the only chance they have to succeed.

Mr. T. could see no constitutional objection to the usual nomination made at Washington, by men who were responsible for their conduct, and who had the best opportunities of judging of the qualifications of the several candidates held up to public notice. But the gentleman from Rowan says it is bad policy, as it exposes Members of Congress who meet in Caucus to the influence of corruption ; but, said Mr. T. if any fears are entertained on this head, they ought to operate with much more force in preventing the chance of the election being finally decided by the House of Representatives, where each State gives but one vote, where a small State has therefore as much weight as a large one, and where a few men have the power of deciding the important question of who shall be President of the United States.

To nominate a suitable person as a candidate for the Presidency in any meeting of members of Congress, requires a majority of the whole number present ; but thirty-one members, in the last resort, have the power to elect a President. Formerly, when there were only two candidates for the Presidency, a nomination at Washington was less necessary than at present, when five candidates are before the public ; as, with this number, except such a recommendation be made, an election by the people cannot be expected. And surely when the scenes are recollected which took place in the House of Representatives at the first election of Mr. Jefferson—when Mr. Burr, though he had not received a single vote for the Presidency, came

near to being elected over Mr. Jefferson, though he alone had been supported by the people as President, no one can desire to see the election of this important officer again placed in such circumstances.

A good deal had been said about members of Congress usurping power in making this nomination. This, he said, was a tender point. It might be doubted whether the members of this house were performing their legitimate duty in framing instructions for the conduct of our members in Congress. Our constituents, when they elected us to make laws for them, did not expect we would thus employ our time. But puffed up with a little brief authority, we meddle with things which do not belong to us, and, in the same breath, complain of our members of Congress in this respect.

Some authorities had been produced on this occasion, which he thought entitled to but little weight. Mr. Grundy's Resolutions passed by the Legislature of Tennessee had been mentioned. Mr. Grundy, in these resolutions, speaks of a Congressional Caucus as unconstitutional; and yet this gentleman when in Congress, attended these meetings, so that he acknowledges he thus violated the oath which he had taken to support the Constitution; and yet we are called upon to take him as an example. The gentleman from Rowan had told the house that he, when in Congress, did not attend a caucus; but if the gentleman disapproved the meeting, why did he not then, as now, lift up his voice against it. If he had then believed the measure unconstitutional, he had too high a respect for him to believe he would not have made known his opinion to his constituents on the subject.

The gentleman from Rowan, in conclusion, warned members against voting for the present motion, if they wished to maintain their popularity at home, stating, that he had travelled over many parts of the State, and had found the people every where opposed to a Caucus nomination. If the gentleman supposed that members could be induced to vote against their convictions of right, from personal considerations, he would find himself mistaken. He had no doubt that much pains had been taken by that gentleman and others to defeat the good old course of a Republican nomination, but he trusted that all their efforts would be in vain.

Mr. Iredell said, that until a late period of the Debate, he had intended to take no part in the discussion of these Resolutions. The reasons which produced this determination, and those which had subsequently induced him to change it, it was alike unnecessary to state to the House. He would say, however, that he had been in some measure urged to the latter course by what he conceived to be the unfair manner in which these Resolutions had been treated by their opponents. When they were called up for discussion, the gentleman who introduced them, expressed his desire to amend them, by striking out the most exceptionable parts, and giving them such a form, as would bring before the House, simply and distinctly, the main question they were designed to present. All attempts at amendment, however had been precluded by the motion for indefinite postponement, which had been made and persisted in by the gentlemen on the other side. And in the debate on this motion, while they deny all opportunity of striking out the parts admitted to be objectionable, they found their principal and certainly, their most solid arguments against the Resolutions on those very features. I do not say, Mr. Speaker, (said Mr. I.) that this course is inconsistent with parliamentary rules, but, with all the respect I sincerely en-

tertain for the gentlemen who have adopted it, I must think it is not consistent with that candor and urbanity which should distinguish our legislative proceedings. I admit, sir, that when a Bill or Resolution contains but one distinct principle, a motion of this kind is usual, and is perfectly correct; but when two or more principles are involved in the same question, and the mover wishes to amend his proposition so as to bring one only before the House, it does not seem to me quite fair to deny the opportunity of presenting this principle alone, unincumbered with extraneous matter. If the question were now, sir, on the passage of these Resolutions as they stand, however strongly I approve of their main object, I should be compelled to vote against them myself, because there are some parts of the Preamble which I do not approve, and because they contain a principle to which I have never been able to bring myself to assent; I mean, the right of this Legislature to instruct our Senators and Representatives in Congress. But I shall vote against the postponement, in order that such amendments may be made as shall enable me most cheerfully to lend them my support. And, sir, I can assure the gentlemen, if this motion for indefinite postponement shall prevail, that a Resolution on the same subject, in a less objectionable shape, shall still be brought before the House. This kind of special pleading in legislation shall not avail them. The main question shall not be evaded. Those who are opposed to Caucus nominations, but disapprove of the present Resolutions, shall be afforded an opportunity of fairly expressing their opinions—and none shall be able to say, when rendering an account to their constituents, that they disapproved of Caucuses, but voted against these Resolutions on other grounds.

If, Mr. Speaker, I felt unwilling to intrude myself on the attention of the House in the discussion of the principal subject involved in these Resolutions, it did not proceed from any doubt as to its importance. I do believe the question now presented, to be one of high importance to the stability and purity of our Republican Institutions. Sir, let gentlemen disguise it as they will, let them cover it with as thick a veil of sophistry as they can, it is still a question between those who advocate the rights of the people, and those who believe the people incapable of exercising the most important of those rights. For, sir, if gentlemen say, as they do on this floor, that a Congressional Caucus is necessary to ensure a wise and prudent choice of a President, is it not declaring to the people, you are incapable of making this choice yourselves. We will therefore have a meeting of your Members of Congress to make it for you. Gentlemen may not choose openly to avow this doctrine; but, in my opinion, it is the inevitable result of their arguments in favor of a Caucus. If it is admitted that the people are competent of themselves, to exercise the power of election, why should they not be left to exercise it in the most free and unbiased manner?—Mr. I. here referred to the parts of the Constitution of the U. S. which relate to the election of President and Vice-President, and insisted that according to its true intent, the right of election was vested in the first instance in the people—and though in the event of no person having a majority, the choice devolved on the House of Representatives, yet they were restricted to the three candidates who had received the highest number of votes. The House of Representatives thus restricted, could scarcely make a bad choice, or one much at variance with the wishes of a majority of the people.

It has been urged, Sir, (said Mr. I.) by the opponents of the Resolutions, that a Congressional Nomination of President and Vice-President, is not forbidden by the Constitution, and we have been called upon by the Gentleman from Wake, with an air of triumph, to lay our finger on the clause of the Constitution which contains such a prohibition. I, sir, for one do not say, that there is any clause containing such express prohibition. But, Sir, *Qui hœret in litera, hœret in cortice.* I contend, that such a practice as these resolutions profess to condemn, is directly at war with the spirit and intention of the Constitution. I refer gentlemen to that excellent commentary on the Constitution, the Federalist, a work which is now the text book of all statesmen. I refer them to that (for I have not the book here to quote) for the reasons which induced the Convention to adopt the present mode of electing the Executive, and the objections which presented themselves against any other mode of appointment. They wished above all things to keep this election pure ; and they feared if it was entrusted to any pre-existing body, that body would be liable to be assailed by all the means of intrigue and corruption, which the prospect of so splendid and valuable a prize would tempt the ambitious aspirants and their warm partizans to employ. Gentlemen must wish for a Congressional nomination, because they believe it will have *some* influence in the election—otherwise it is perfectly nugatory. Now, Sir, this influence may be greater or less, but just in proportion to its extent and power, in the same proportion will the reasons which induced the framers of our Constitution to withhold from any pre-existing body the appointment of the Executive, apply to a Congressional nomination with greater or less force—just in the same proportion will such a nomination be more or less at variance with the spirit of the Constitution. But gentlemen say, this power is necessary—that without it the people will be distracted, and will not know how to make a choice. If it is so, Sir, if the machinery of our Government cannot proceed without it, let it be engrafted into our Constitution. If it must be a part of our political system in practice, let it be so too in theory—let it be inserted in our great political charter—let us know the form of government under which we live. Sir, I put Gentlemen to the test—Is there one in this House, is there one within the hearing of my voice, who would have the hardihood to propose as an amendment to the Constitution, that the members of Congress in Caucus assembled, should have the power of nominating the President and Vice-President of the United States, and that no election should take place without such nomination. I challenge the most zealous of the new converts to the caucus system, to propose such an amendment. Sir, they dare not do it. They know that the frowns of an indignant people would put them down. And why attempt to seize by artifice, by subtlety, a power which they dare not openly ask for ? But it is said, the Members do not meet in Caucus, as Members of Congress, but as individuals. Mr. Speaker, I ask, in the name of common sense, if this can make any real difference ? The Members of Congress are excluded from electing in the first instance, because they are a body of men in existence sometime before the election, and therefore liable to be tampered with ? If their nomination is to have a powerful, an overbearing influence on the election, is there not as great danger of their integrity being expose to temptation ? They meet in Caucus because they are members of Congress—they meet,

therefore in virtue of that office—they are the same individuals who compose the Congress. Can it make any real difference as to the danger to our liberties, as to their exposure to intrigue, and corruption, whether they meet in one room or another; whether they clothe their proceedings with Legislative forms or not; whether Mr. Clay presides over them as Speaker, or some other Member as Chairman? They are still the same body of men whom the Constitution has excluded from the election in the first instance, to whom, from their political situation and their pre-existence as a body, it was thought dangerous to intrust such a power. In my opinion, Sir, the distinction exists merely in name and appearance—it has no foundation in reality.

Again, sir, it is said the nomination by members of Congress is but a recommendation, and can have no binding influence on the people. Mr. Speaker, I detest all mere verbal distinctions—Let us go to the substance. And I appeal to the candor of the gentlemen on the other side, whether they do not believe such a nomination will have a great and important influence on the election? Whether it would not have the effect of procuring a majority for the person so nominated, when without it, such majority could not be obtained? Whether they do not expect such a result from a caucus nomination, and whether that is not the reason why they so strenuously advocate one? Sir, I know they must answer in the affirmative. Indeed, sir, the gentleman from Wake has told us, (though I disclaim the application of the remark to myself) that this question is only a struggle between the friends of the different candidates—that he is anxious for a caucus, because he believes his favorite candidate has a majority? Does he mean a majority of the people? No, sir; for if he did, he could not be so anxious for a caucus. If his candidate has a majority of the people already in his favor, he wants nothing more to ensure his election. A caucus would be entirely unnecessary. No, sir, it is because he knows the candidate whose cause he espouses has not a majority of the people, and believes he may have a majority in a Congressional caucus, that he is so anxious on this subject.

Again, Sir, we are told by Gentlemen on the other side, some of whom have talked so loudly about Republicanism and Democracy, that if we do not permit the Members of Congress to make a nomination, the people are so ignorant, they will never be able to select a fit man for President. Mr. Speaker, I have ever been the friend of the people, but never their flatterer. I have never deceived them by caresses, nor courted them for popularity. But I am, and always have been, the advocate of their just rights—more especially of the rights secured to them by the Constitution and laws of the country. Sir, it is a sufficient answer to this objection of incompetency, to say, the Constitution has thought them competent and has entrusted them with the power, and it was done so for the wisest reasons. The framers of that instrument knew that there would, at all times be individuals in the community gifted with higher talents and possessing more intelligence than the great mass of the people, but they knew too, that while a few men might be seduced, the people were incorruptible. The power exercised by them would be exercised in purity. But, Sir, I deny the proposition of the Gentlemen. The great body of the people are not only incorruptible—they are intelligent. They are capable of deciding for

themselves among the candidates for the Chief Magistracy. The Gentlemen ask, how are the people to obtain the necessary information?- they have no personal acquaintance with the candidates, and must therefore be governed either by the opinions of newspaper Editors, - or the recommendation of Members of Congress. Sir, do the Gentlemen really think, that a personal acquaintance is absolutely necessary to enable us to judge of the merits of the individual presented to our choice? Is his fitness for this high office to be estimated by his personal appearance, his graceful carriage, his colloquial powers, or his agreeable and insinuating manners? No, Sir, I can tell the gentlemen of another source from which, in my apprehension, the information to guide us on this subject should be derived—the source from which I have formed my opinion—a source which is equally open and equally accessible to the whole community. It is the history—the public records of our country. Here you can find the proofs of the pure and elevated patriotism, of the devotion to his country's cause, of the correct political sentiments, of the firmness and independence of character, of the highly-gifted mind and the eminent public services which should alone entitle an individual to the highest political honor which one man can receive from his fellow-men. He who cannot appeal to public testimonials of his superior merits, who cannot produce these passports to office, may, it is true, Sir, attach to himself a number of warm partizans, forming their predilection from their personal acquaintance and intimate association with him, and by their means may possibly secure a majority in a Congressional Caucus. But such a man ought never to present a claim for the highest office in the nation. Such a man, unless assisted by a Caucus, can never receive the votes of an enlightened people. If the candidates have been in public life (and none other will ever presume to aspire to this office) the people will enquire, and the means of ascertaining are open to them, what have been their public services, and what eminent talents have they exhibited? If the people are left unbiased by unauthorized associations bearing with them the stamp of official influence, this is the criterion to which they will bring all the candidates—a criterion on which they are as capable of deciding as the members of Congress.

Gentlemen have urged another argument in favor of a Caucus, that it will prevent the election from going to the House of Representatives. I ask Gentlemen to reflect if this is correct, if it is strictly honest? The Constitution has provided that, in the event of a majority of the electors not agreeing upon a President and Vice-President, the choice shall devolve on the House of Representatives, where each State will be entitled to one vote. This provision was the result of compromise, of that system of mutual concessions between the large and small States on which our Constitution was founded. I admit, sir, that in this particular an undue influence is given to the small states; but they have given an equivalent for it to the large states, in yielding to them in other respects, a greater share of power. It is a bargain—a contract between the large and small states. Is it just in us, while we continue to enjoy the equivalent, to deprive them of the privileges for which it was rendered? Is it honest in us, Sir, while we avail ourselves of all the advantages secured to us by the contract, to evade the performance of the part made for their benefit, because we may think it presses rather hardly upon us? Is it right, sworn as we are to support

the whole Constitution, to endeavor by indirect means to defeat any of its provisions ? If this provision is unjust, or impolitic, it is in the power of the nation to strike it out ; but while it exists, we are as much bound, as patriots and as honest men, to support it in its true spirit, as we are any other parts of the constitution which may be more agreeable to our interests.

But, sir, we are warned to take care, lest, while we are charging members of Congress with an assumption of power, we should ourselves transgress our legitimate and prescribed bounds, by expressing an opinion on this subject. On this part of the argument, Mr. Speaker, I will only refer gentlemen to the practice not only of this Legislature, but I believe, of every Legislature in the Union since the foundation of our government. Have they not repeatedly expressed opinions on important public subjects, which did not come immediately within the sphere of their legislative functions ? (Mr. I. here mentioned some instances of this kind.) And, sir, if we believe the practice, which these resolutions profess to condemn, to be a dangerous invasion of the rights of the people—an infringement of the spirit of the Constitution—is it not peculiarly our duty to express our opinion, to warn the people of the danger, and to endeavor, by denouncing, to suppress it ?

Mr. Speaker, I ask pardon of the House for having detained them so long with these desultory and unpremeditated remarks. I am, sir, no political aspirant. I have no hope, if I had any wish, of political preferment. I came here with reluctance, and shall rejoice when the day of my departure arrives. But, sir, I am one of the people and deeply interested in the maintenance of their privileges and their power. In whatever situation I may be placed, I am determined, by every effort I can command, to oppose any attempted invasion of their rights. They may find, sir, more able defenders—but they will never find one more zealous or more faithful.

Mr. Strange offered as an apology for troubling the House with any remarks on the subject now under consideration, the deep interest he felt in the disposition the House might make of the Preamble and Resolutions. He had hoped they would have disposed of them, while he was necessarily absent from the service of the House ; in this hope however he had been disappointed. He regretted that they had ever been introduced, inasmuch as they were calculated to excite angry and malignant passions among those who took a part in their discussion, and to scatter fire-brands over the political face of the country, without these evils being counterbalanced by the prospect of any good result. After the able remarks which had fallen from gentlemen occupying the same side of the question with Mr. S. it might be deemed impertinent in him to offer any, inasmuch as he could do little more than repeat what had already been said by others. But on this occasion, he must claim to himself the full benefit of the maxim, that a good thing is none the worse of being twice said.

He might likewise plead the example of the gentlemen on the other side of the question, to whom he had listened with much attention, under the expectation of hearing some argument which might shew that the doctrines set forth in the Preamble and Resolutions were tenable. All that had yet fallen from the gentlemen was but a reiteration and amplification

of the ideas and sentiments contained in the Preamble and Resolutions themselves, so that for all Mr. S. could see, the House would have been fully as much enlightened upon this subject, had each of the gentlemen who had spoken on the other side, contented himself with reading over to the House, in a distinct and audible voice, the Preamble and Resolutions. But Mr. S. was very far from attributing this to any want of ability in the gentlemen themselves. On the contrary, when he looked to the formidable array of talent by which the Preamble and Resolutions were supported, he confessed he had felt disheartened. He knew full well, that there were gentlemen in those ranks who could clothe truth in her loveliest attire, and strip falsehood of her borrowed garments; or, when it suited their purpose, and the proposition was not too manifestly against them, "make the worse appear the better reason." On the present occasion, therefore, he felt satisfied, that it was the cause they had espoused which was so sterile in argument, and not that the gentlemen possessed not ability to find them out, that so few had been offered.

We have been charged, Mr. Speaker, said Mr. S. with unparliamentary conduct, for insisting on our motion for the indefinite postponement of the Preamble and Resolutions. It is admitted that our course is not a violation of parliamentary rule, but it is asserted that it is a violation of parliamentary decorum. Now, Sir, I confess, that I had always been led to believe that parliamentary rules were founded upon the strictest principles of good manners, and that he who kept within parliamentary rule, would be in little danger of violating parliamentary decorum. It seems, however, to be one of the misfortunes of disagreement on political questions, that things right in themselves become wrong when they may be used to defeat any favorite measure, or to shew the fallacy of any favorite opinion.

Mr. S. said he had two objections to the adoption of the Preamble and Resolutions. The first was, because he deemed the act itself useless and improper. The very "head and front" of the evil which these Resolutions are designed to remedy, is, that a Caucus is an unauthorized meeting.—That members of Congress are not elected with a view to the part they shall take in a Caucus which may be holden during their continuance in office, and that, therefore, they are in that respect not the representatives of those who elect them. Let this be granted, and what follows? Is it not as representatives alone that the warmest advocates of the right of instruction affect to instruct? And it is only in those matters in which one represents us, that we can claim any right to instruct him. If, Sir, I employ a man to transact any piece of business for me, I have unquestionably a right to instruct that man as to the manner in which that particular business is to be performed, but do I therefore acquire a right to instruct him in matters exclusively his own? or does he not remain entirely free to act upon all matters not involved in his agency, precisely as he would have done had he not become my agent? Neither, Sir, do Senators and members of Congress become *de facto*, the slaves of those whom they represent, and upon any act which they do not perform officially, we have no more right to instruct them than upon the color of their coats, the quality of their food, or with whom they shall associate during the hours of relaxation. It is true, Sir, we can express our opinions; but are they bound to respect

them? "We can call spirits from the vasty deep, but will they come when we do call for them?" I should fear not, Sir. I should fear our Senators and Representatives in Congress would retort upon us our own language, and say, Gentlemen, you take too much upon you. But the Preamble and Resolutions seem to me to be framed with a view to make their own inconsistencies as manifest as possible, and while the one loudly and positively disavows the agency of members of Congress in the Caucus nomination of the President of the U. States, the other studiously selects the very language which could only properly be used when agency exists. Again Sir, by passing these Resolutions, we pass a direct censure on almost all the great, good, and wise men in the nation, not excluding our own venerable Senator, nor even the present most prominent candidates for the Presidency; for it is to be presumed, if the Congressional Caucus be now the monster of iniquity, which this Preamble and Resolutions represent it, it could not have been entirely innocent even when attended by Macon, Crawford, Adams, and Calhoun. And lastly, by adopting the Preamble and Resolutions, we place ourselves in the dilemma of condemning that, which in the very act of condemnation we are ourselves performing—for no one can pretend, that it was for the purpose of passing such Resolutions as those now upon your table, that our constituents sent us to this place, and thus, while we are "pulling the mote out of our brother's eye, we see not the beam that is in our own eye."

The second objection which Mr. S. had to adopting the Preamble and Resolutions, was, that by so doing, he would be permitting persons to put words into his mouth which did not accord with the sentiments of his heart. It is true, said Mr. S. that in the mass of obnoxious matter, some principles are cunningly and ingeniously inserted to which no one can refuse assent, as the physician who wishes to administer to his patient some nauseous drug, artfully combines with it some more palatable ingredient; but in the present case, that which is nauseous, so far exceeds in proportion that which is palatable, that I am for rejecting the whole dose. If any one will be at the trouble of examining the Preamble in detail, he will be surprised to find, to how small a portion he can yield his assent. To the first paragraph I would freely agree that this House should subscribe, did I think it necessary that the Legislature of North-Carolina should proclaim to the world its belief that black is not white, or that the plainest proposition in nature is true. But upon the second paragraph, (and remember it contains the gist of the whole matter) our friends over the way will excuse us if we do not agree with them: if we do not accept the marrow, until they have cracked the bone: if we do not admit the dangerous tendency, nay the innate corruption of the Caucus system, until they have proven it to us. What, Sir! admit without a scintilla of proof, that those whom we have selected from among us for their wisdom and integrity, are so stupid as to be cheated into a nomination decidedly against the interest of the nation? Or so corrupt as to be bribed by douceurs or promises to bend their backs for an unprincipled traitor to mount to honor at the expense of the happiness of his country? That the people of these United States will so far forget the price which their happy institutions have cost them, as tamely to see them bartered away by a contract which requires their ratification before it can have any binding effect? That our political fabric, of whose

strength we so often boast, and whose foundations are cemented by the blood of our ancestors, can be subverted by a breath? I confess, Sir, it would require a degree of credulity which I trust I neither possess, nor wish to possess, to admit positions so revolting to our best feelings and our best hopes, with no farther proof than has been offered us by the gentlemen on the other side. But this, Mr. Speaker, is one among the many cases in which the mere application of opprobrious terms, has loaded with disgrace and condemned to ignominy a practice innocent, nay useful in itself. We have reason, Sir, however, to rejoice, that it is not every one that can be thus duped, that even the majority of mankind, when uninfluenced by prejudice, have discernment to see that it is not names which make things good or bad, that words are but representations of ideas, that the qualities of things reside in the things themselves, and remain essentially the same, whatever names may be applied to them; that calling members of Congress traitors, does not make them so; and that the lawfulness or unlawfulness of a Caucus depends entirely upon the lawfulness or unlawfulness for which it is holden. Sometimes a Caucus has been holden for the vilest purposes, and of course, that particular Caucus deserved the execration of every good man. At other times, a Caucus has been holden for the best and holiest purposes, when surely the mere application of that name could not make it criminal. The Caucus principle enters into the most common affairs of life, from the most trivial to the most important, whenever a set of individuals assemble voluntarily for the purpose of consulting upon matters of common interest, it is assuredly a Caucus, and many were the meetings of this description which were holden before our forefathers achieved their independence, and perfected the system of government under which we now enjoy so much happinesss and security. The truth is, the best and holiest things may be converted to the worst of purposes, and no one is ignorant that even that blessed Religion which was designed by its great author for the comfort of man in this life and his happiness in the next, has been converted, by the inquisition of the Romish Church, to one of the most horrid engines, to torture and afflict the wretched race of man, that the malignity of men or of devils could have invented. That any set of men hath a right to assemble and express their opinions upon any question whatsoever, I presume no one will deny. That any set of men in the community may, if they think proper, nominate the President, no one will deny. Is it, then, the respectability of members of Congress, and their means of information that make it wrong in them? That the respectability of a source from which a nomination might come would increase its weight, no one will question; but that it would therefore be more likely to be an erroneous nomination, I confess I am unable to see.

That a nomination by some person is necessary, I think is very evident. The lamented Wm. Lowndes has very happily expressed the sentiments of every man of correct feeling, when he said that "the Presidency of the United States was an office neither to be sought nor rejected." It seems therefore, that no man can with propriety tender his own services; and how can the people, scattered as they are over an almost boundless extent of country, be personally acquainted with any one individual whose private virtues might command a majority of their suffrages, or unite their votes, unless some person was particularly designated? And who so well qualified

to designate as members of Congress ? The President must necessarily be taken from the ranks of public life. And whose eye would be so constantly fixed upon him as his associates in public life ? They would be his rivals, and would never award to him the meed of preferment, unless his merits challenged denial. The man who gets the Caucus nomination in Congress will generally stand like Themistocles, who was in the mind of each individual second only to himself.

In denouncing the Congressional Caucus, its enemies have stated two classes of objections.

First : that such a caucus is unconstitutional, and therefore morally wrong, inasmuch as by attending it, members of Congress violate the Constitution which they have sworn to support.

Secondly : that a Congressional caucus is impolitic.

Let us examine each of these classes of objections in detail. The first objection of the first class, (which for the sake of perspicuity, we will take the liberty of putting into syllogistic form) is as follows : That the Constitution has prohibited members of Congress from becoming Electors of President of the U. States. But the members of Congress by nominating in caucus, do virtually elect the President of the United States, therefore the members of Congress making a caucus nomination of the President of the United States, do violate the Constitution. What a flimsy web of sophistry is this. Archimides boasted that, with a spot whereon to fix his machinery, he could move the globe itself ; and such is the force of logic, that if you grant a man his premises, it is perfectly in his power, with such assistance, to prove any thing that he may desire. But with all their talent for sophistry, the gentlemen on the other side will find it impossible to demonstrate, that nominating is virtually electing, and without this, their whole argument falls to the ground ; for be assured, they will find few men in possession of their reason, who will, without such demonstration, concede them the point. I have been often told, that there were no two words in the English language precisely synonimous ; but according to the new vocabulary which gentlemen, who contend that election and nomination mean the same thing, are about to establish, men have been heretofore greatly mistaken upon this point. Do gentlemen pretend that the people are not free to ratify or reject the nomination ? or that by the mere fact of nomination by the Congressional caucus, the person nominated may forthwith be inaugurated President of the United States ? Did the gentleman who the other day nominated Governor Holmes to the office he now occupies, virtually elect him ? It seems his nomination met the approbation of the Legislature ; but was the Legislature obliged to approve ? And are the people farther bound by the Congressional nomination than their respect for the opinions of members of Congress, and the coincidence of such opinions with their own, binds them ? And to satisfy ourselves that this is the extent of the obligation, let us ask ourselves the question, if Aaron Burr or even De Witt Clinton were to obtain the Caucus nomination, whether such a nomination would be ratified by the votes of a majority of the free people of these United States ? If not, how can the people be bound by a caucus nomination ? But could we so far forget ourselves as to admit that nominating is virtually electing, it does not strike me that our admission would avail our adversaries for the purpose they design. It would not then follow

that the members of Congress had violated the letter of the Constitution, and it is no part of my political creed that it has a spirit that may be violated.

The Constitution of the United States is a written bargain or compact, entered into between the several States of the Union. Like all other written contracts, it is to be construed according to the plain interpretation of the language it contains, and no evidence of an intention not to be gathered from the face of the instrument itself, is admissible. The term Elector used in the Constitution, has a technical signification, and is intended to express an office, created by that Constitution, from the exercise of which members of Congress are expressly excluded : to give it greater latitude of interpretation, would be to exclude members of Congress from voting for the President of the United States, directly or indirectly, which cannot be supposed to have been its intention.

But to proceed to the second argument, which is, if possible, still more flimsy than the first :

That inasmuch as the Constitution provides, that in the event of no one candidate obtaining a majority of votes in the Electoral College, the election shall be made by the House of Representatives ; and inasmuch as a Congressional Caucus, would tend to promote an election, and thereby defeat the contingent operation of this provision of the Constitution, therefore, members of Congress who so lend their assistance to effect an election in the Electoral College, do virtually violate the Constitution. This argument like the first, is founded upon what I conceive to be the great political error that the Constitution has a spirit which binds beyond its letter, and may therefore be violated without violating its letter. But were we to admit this to be a political dogma, which we could not contradict, still I think, in the present case, it would not avail the gentlemen to the extent they calculate. It must be evident to all, that this provision of the Constitution was intended for a state of things which it was by no means desirable should exist. It is, as it were, a remedy for a disease to which our political Constitution is liable ; but I can see no ground upon which the opinion can be founded, that we are bound to stand quietly by with means in our hands to prevent the approach of the disease, without using them ; unless it be that we may afford an opportunity of shewing to the world what admirable political quacks our forefathers were, who could foresee the occurrence of such a disease, and provide so admirable a prescription for its relief. But it is said, ours is a Constitution of compromise, and this feature was intended for the benefit of the smaller States, and that therefore it is a violation of good faith for the larger States, to endeavor to prevent the occurrence of the contingency upon which the operation of that provision will depend. It is only necessary to look to the absurdities into which this argument would lead us, to perceive its fallacy. If a man was to agree to pay another a sum of money, upon his failure to do a certain thing, it would be a violation of good faith on his part to endeavor to accomplish the proposed undertaking, as he would thereby deprive the other party of the sum to which he had a contingent right ; and every man who had on any occasion, sworn to support the Constitution of the United States, would be restrained under the risk of committing perjury from taking any measure to promote an election of President in the Electoral College.

The first argument used by our adversaries, on the score of impolicy against a Caucus nomination, is, that the House of Representatives, standing in the situation of an appellate tribunal, in the event of a failure of the Electoral College to elect, it is wrong for its members to prejudge the case by expressing their opinions and pledging themselves in Caucus. We are very apt to be deceived in argument, by supposing a resemblance where none exists; and the present argument is calculated to deceive us, by calling upon us to admit a resemblance between the situation of an appellate Judge, and that of the members of the House of Representatives in the case before us. But a moment's reflection, Sir, will enable us to percieve there is none. The House of Representativcs does not not sit an appellate tribunal, to confirm or reverse the decision of a former tribunal: the very reason why the question comes into the House of Representatives is, that it has not before been decided, and therefore it in no respect resembles an appellate tribunal. While upon this part of the subject, sir, I will take the liberty of mentioning some of the reasons which govern me in believing that sound policy dictates the use of all fair means to keep the election of the President out of the House of Representatives. By the plan of Caucus Nomination, the people are made acquainted with the opinions of members of Congress, and if totally at variance with their own, there is sufficient time for the people to exercise their overruling influence; while, if the sentiments of the members of Congress are concealed until the election is entered upon in the House of Representatives, the matter is settled, and no power on earth can change the result, how much soever it may be at variance with the wishes of the mass of the people. By the plan of Caucus Nomination, members of Congress only recommend, and the people retain in their own hands the great prerogative of election; by the other plan, the people only recommend, and the substantial power of deciding is passed over to the House of Representatives.

Upon the score of corruption, about which so much has been said, is it not manifest that both the facilities to accomplish, and the inducements to attempt, are much greater in the House of Representatives, sitting as the elective body, than among the members of Congress, sitting as a Caucus? In the one case, there are only the members of the House of Representatives to corrupt; in the other, the Senators must be corrupted likewise. In the one case, the unprincipled aspirant after office, knows that the man whom he has corrupted can render him real service, and give him actual support, by his own vote; and if he succeeds in corrupting a majority, he is sure of obtaining the benefit of his unrighteous bargain; but, in the other case, should he even succeed in corrupting a majority of the Senators and Members of Congress, he has still to undergo an investigation of his merits before the people; and there are many chances to one, that the infamous traffick in which he has been engaged will be exposed, and so far from succeeding in grasping the honors after which he has been reaching, he will, in addition to a failure in his object, have the mortification of beholding his reputation shipwrecked, and his fortune ruined by the base means to which he has resorted. The second ground upon which the gentlemen over the way contend that a Caucus Nomination is impolitic, is, that members of Congress not being elected with that view, are unacquainted with the sentiments of the people, upon the relative merits of the

candidates for the Presidency. This objection, to say the least of it, hangs with at least as much weight upon the favorite plan of election by the House of Representatives, as it does upon the plan of Caucus Nomination: for, if members of Congress be not elected with a view to the Presidential Election, they stand equally uninstructed whether they meet to elect in the House of Representatives, or to nominate in Caucus. But the truth is, they meet in Caucus for the purpose of conferring together, thereby to ascertain what man in the community they can with most propriety recommend to the people as possessing the qualifications they desire.—It is, therefore, necessary, that they should agree both upon what those qualifications are, and who it is that possesses them. This they cannot do, without being in some way acquainted with the sentiments of the people, and the alleged uniformity of correspondence between the result and the Caucus Nomination, proves nothing more than that the members of the Caucus have hitherto acted with fidelity and discernment in representing the views of their constituents upon the Presidential question.

A third objection to the practice of Caucusing, is, that in time it will become a custom and obtain the sanctity of a law. The weight of this objection must depend entirely upon the weight of those with which it is associated. If a practice be bad in itself, it certainly is a good reason for hastening proper checks; that there is danger of time so strengthening it as to preclude all hopes of its destruction. On the other hand, if a practice be good in itself, its becoming firmly established and growing into custom, cannot make it evil. If the custom under discussion be unconstitutional, while the constitution remains unaltered, unconstitutional *it* will remain. And here I would reply to a question which is so triumphantly asked us, viz. if the practice be right in itself, why we do not propose that the constitution be so amended as to authorise it? We answer, believing that the constitution does not prohibit it, we think it no more necessary, so to alter the constitution as to expressly authorise it, than we do, so to alter the constitution as expressly to authorise any other lawful act. And that, on the other hand, if gentlemen think the practice pernicious or impolitic, it is for them to propose such an amendment as will bring it under the ban of the constitution. For ourselves, we are contented that matters should remain as they are, satisfied that the practice under discussion is neither *malum prohibitum, nor malum in se.*

The last objection, which is more properly a rebutter to what our adversaries feel to be the most powerful argument in favor of a Congressional Caucus, is, that if a Caucus is ever politic, it is when there is a contest between parties, about some great political principle: but that on the present occasion, it cannot be justified even upon that ground, inasmuch as the present candidates all belong to the same political family, and hold the same political tenets. And that in truth, and in fact, an amalgamation of parties has taken place by mutual concession.—But do we not perceive, Sir, that this is the time, when, if at any, a caucus is not only justifiable, but necessary?—It is not true, Sir, that there is an amalgamation of parties.—York and Lancaster still wear their roses, although they may be greatly withered. Party feelings, like embers covered with ashes, only slumber until they are supplied with such fuel to feed upon as this very question is likely to supply. Who ever heard that division promoted strength?

And who does not know that the federal party are in possession of men of talents sufficient to lead them with some chance of success against the republican party, dismembered as it is? Already have the trumpets sounded to announce the approach of their mighty champion, a man who stands second to none of his age in point of talents, and who all admit to be a favored Son of Nature, whatever difference of opinion there may be concerning his political integrity; I mean, Sir, De Witt Clinton. Nor will his party be wanting in address to bring him forward under the most advantageous circumstances. Look to their argument upon the question now under discussion—that it is a contest between the friends and enemies of the people's rights, and they vauntingly proclaim that they now stand forth in defence of those rights. But, Sir, we know, and we trust that the people know too, that they want no champion of their rights, they have might residing in their own arm to which no power on earth can add—they can, at any moment, rise in their energy and take from us the little delegated power with which they have entrusted us: how, then, is it in our power to bestow any thing upon them? No, sir, this truly is a contest of parties, although gentlemen disavow it; but it is not one of our seeking, and in vain do gentlemen accuse us of raising the stale cry of party. Can any person believe otherwise, than that these Resolutions were introduced for the express purpose of affecting the Presidential Election; and that every member in this House will vote upon them in precise conformity to his views upon the Presidential question? Can we, then, be blamed for proclaiming to our political friends, our belief as to the object of these Resolutions, and that when a blow is aimed at us, we should be censured for endeavouring to collect our energies to meet it? For my own part, Sir, I view this Preamble and Resolutions as a touchstone, and I feel a pride in saying, that I am not afraid to meet it. I am in favor of William H. Crawford as President of the United States, not because he will then have offices to bestow: my situation in life, Sir, is too humble to have any bias in favor of either of the gentlemen upon that ground: nor yet because he is a Virginian. It is true, Sir, if the Chinese Wall which has been spoken of had been erected ten years ago, I had not been here, it is true, Sir, that

> "I'm not the wretch with soul so dead
> "Who never to himself hath said,
> "This is my own, my native land."

It is true, that I feel a pride in having been born in the same state with a Washington and a Jefferson—but dear as Virginia is to me, North-Carolina is still dearer. Virginia was my birth-place, and contains the bones of a few of my ancestors. North-Carolina supports me, and contains the living objects of my tenderest affections. While Virginia is pursuing a correct course of policy, I feel no desire that North-Carolina should adopt a different one; but, if I know myself, whenever Virginia wanders from the path of rectitude, I shall be as ready as any one to do all in my power to prevent her being followed by North-Carolina. Neither is it, therefore, because Virginia is in favor of Mr. Crawford's election, that I would have North-Carolina to support him; but it is because I believe he will tread more closely than any other candidate spoken of in the footsteps of that venerable patriot and statesman, who has so eminently con-

tributed to raise our nation to its present glory and happiness, who now, bending beneath the weight of years, must ere long be taken from us, leaving us his precepts and examples to follow, his memory to love and venerate.

With these views and feelings, the House cannot be surprised that I should see no reason at this time for abandoning a plan which has hitherto been attended with the most advantageous results. It is said, it is not a Republican measure; true, I have understood that the caucus plan was an invention of the Federal party to advance their own political views; and that, like the Elephant of Pyrrhus, King of Epirus, it has proved most disadvantageous to those who brought it into action; but in its use, "we but return the ingredients of their poisoned chalice to their own lips," and neither justice nor morality requires that we should cease to use the sword which we have wrested from our adversaries, to defend ourselves against their aggressions.

The caucus system has been hitherto useful to this country; that it has occasionally been resorted to for many years past, there can be no doubt; that like every thing else in the hands of fallible beings, it is liable to abuse, no one can deny. But with the confidence I possess in the collective wisdom, and the individual integrity of those who usually represent us in the Congress of the United States, my fears do not disturb my quiet. The course of policy which has been pursued by the well organised government of the United States for the last twenty years, has resulted in the continuance of much individual and collective prosperity among the inhabitants of this highly favored country.

I am for no change, and would not be instrumental in making any. Convinced that while the same plans are adhered to, no spot will be seen upon the sun of our national glory, no tear will be shed for our happiness departed.

Mr. STANLY said, before he offered his views of the subject before the House, he would notice the concluding observation of the Gentleman from Fayetteville, (Mr. Strange) who last addressed them. Some weeks ago, said Mr. S. when a member had referred us to the example or to the opinions of Virginia, he (Mr. S.) had advanced the opinion that our political dependence, as well as our commercial connexion with Virginia, were disadvantageous to us, that she exercised an influence over us injurious to our best interests: that her political course was often one of error and passion rather than of deliberation and wisdom; repeatedly marked by opposition to the wisest measures of the federal government, and by hostility to the best measures of the great men whom it was her greatest honor to have produced. From her systematic attack upon our navy and army, to her recent opposition to the Supreme Judicial Power of the Union, there was much in her example to excite apprehension, and little worthy of imitation. This remark then elicited by the excitement of the moment, has been several times referred to by gentlemen, and was again, in a discussion in which Virginia has not been mentioned or alluded to, forced upon our recollection by the gentleman from Fayetteville. The gentleman informs us he is a Virginian, that her soil covers the ashes of his parents, that he can but retain affection for her. Far be it from me, said Mr. S. to disapprove the virtue of filial

piety, or to censure a reverence for the fifth commandment, the injunction of which, to "honor thy father and thy mother that thy days may be long in the land of the living," was to his feelings full as impressive and imperative, as what the gentleman doubtless considered the more elegant language of the Scotch poet, whom he had quoted. But, sir, the gentleman has not controverted my objections to the dominance of Virginia; he has not denied that that State assumes a right to lead North-Carolina in her footsteps; that certain individuals of our State, distinguished themselves more for being puppets in the hands of Virginians than for any pre-eminence in talent or virtue, have by intrigue and management brought us almost to a condition of vassalage, and humbled the once proud and independent State of North-Carolina, to the lowly rank of a Colony of Virginia. She flourishes and towers as the oak, the monarch of the forest, while we have dwindled among the shrubs under her shade. And now, again, sir, forced upon this subject as I am, I repeat the opinion, that Virginia arrogates the right to dictate to us; that improperly, and through the agency of a few men, she does influence us. But, sir, to allay the feelings of the gentleman from Fayetteville, I add, I never suspected *him*, though a Virginian, of having any influence over us.

Mr. Stanly said, the question before the House was one which deeply concerned the interest, the honor and the happiness of the people. It was no less than this, *is the right of Election of the President of the United States, worth preserving to the people themselves; or may it safely be resigned into the hands of a few?* Monarchies govern by force. Republics are founded on the belief, that man is equal to self-government. The right of election, therefore, by the people, is the very essence of a Republic —it is the rock on which alone a Republic can be established. Whatever we may think we possess, whatever in theory we may claim, if the right of election by the people of the country, be not free and universal, it is mere delusion to call ourselves Republicans—we possess but the name of liberty. No one dares deny these principles: yet there are many who, while with their lips they assent to these gospel truths, in their practice controvert them. The support of a Congressional Caucus for the nomination of a President of the United States, is an instance of this difference between profession and practice. The practice of a Congressional Caucus to nominate a President of the United States, in effect, takes from the people a right which is safe in their hands, and places it in hands where it can be most easily abused. It takes the power from those to whom the Constitution gives it, and transfers it to those to whom the Constitution positively denies it; under the sanction of a Caucus, a few men filch from the people the election of President, and fraudulently exercise it themselves. It breaks down the bulwarks by which the Constitution intended to secure the election of President against vice or ambition, and opens every door to corruption and intrigue. The Resolutions before us, are intended to give one blow at the root of this system of iniquity—they merit therefore a serious consideration.

The office of President of these United States, said Mr. S. is one of vast importance. Such is the influence of that office as the Executive of our Federal Government, that upon his ability and virtue must at all times greatly depend, not only our prosperity and honor, but as he can greatly influence the question of War or Peace, the happiness and prosperity of

every part of the world, may be affected by his dispositions. Foreign nations, therefore, cannot be indifferent in the election of our President. Such is his agency in our affairs and such must be our influence on the affairs of other nations. Of such magnitude are the powers of the President, that many virtuous men who opposed the adoption of the Federal Constitution, called him a Monarch in disguise, and believed that they saw "the diadem sparkling on his brow, and the imperial purple flowing in his train." To create the head of an empire, to invest him with necessary authority, and yet impose necessary restraints, were objects of the greatest solicitude to the framers of the Constitution. It is known that their anxiety on this point was equal to its difficulty and importance. Their reliance for safety against his power was finally placed on the guards which they had fixed as security to the purity of his election. It is known, sir, said Mr. S. that when the Constitution was signed, the work was not finished. The Constitution recommended by the Convention was yet to be adopted by the States separately. In every State there was opposition to it. To explain the necessity and the objects of the proposed Constitution, to remove objections and to recommend it to the people, an important task was assumed by three of the most distinguished members of the Convention, Alexander Hamilton, John Jay and James Madison. The letters written in concert by these gentlemen under the signature of PUBLIUS, are collected and form the volume entitled the FEDERALIST. If there was an individual in the House unacquainted with this work and its character, to him Mr. S. said, he would say, that in Legislatures it was respected for the clear light which it poured on the science of Government: in Courts of Justice it was regarded as a text book on all questions of construction of the Constitution of the United States: to this work, legislators, jurists and statesmen with confidence appeal as to a manual of duty. I intend to read to the House, a part of the 68th number of the Federalist, in relation to the subject now before us—the mode of appointing the President. This number is from the pen of Mr. Hamilton—need I add, the friend of Washington, the companion who shared his revolutionary toils—the disciple whom he loved, and who leaned upon his bosom!—He regretted that time would compel him to read but a part of the number. Mr. S. here read the following extracts from the Federalist: "It was desirable that *the sense of the people* should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, *not to any pre-established body*, but to men *chosen by the people for the special purpose*, and at the *particular conjuncture*.—Nothing was more to be desired, than that every practicable obstacle should be opposed *to cabal, intrigue and corruption*. These most deadly adversaries of Republican Government might naturally have been expected to make their approaches from more than one quarter, but chiefly from the *desire in Foreign powers* to gain an improper ascendant in our councils. How could they better gratify this than by raising a creature of their own to the Chief-Magistracy of the Union? But the Convention have guarded against all danger of this sort, with the most provident and judicious attention. They have not made the appointment of President to depend *on pre-existing bodies* of men, *who might be tampered with before hand to prostitute their votes*; but they have referred it in the *first instance* to an immediate act of

the people of America, to be exerted in the choice of persons, for the temporary and sole purpose of making the appointment. And they have excluded from eligibility to this trust, all those who from *situation* might be suspected of too great devotion to the President in office. *No Senator, Representative*, or other person *holding a place of trust or profit* under the United States, *can be of the number of Electors*. Thus, without corrupting *the body of the people*, the immediate agents in the election will at least enter upon the task free from any sinister bias. Their transient existence, and their detached situation, already noticed, afford a satisfactory prospect of their continuing so, to the conclusion of it. The business of corruption, when it is to embrace so considerable a number of men requires time as well as means. Nor would it be found easy, suddenly to embark them, dispersed as they would be, over thirteen States, in any combinations founded on motives, which, though they could not properly be denominated corrupt, might yet be of a nature to mislead them from their duty. Another, and no less important desideratum was, that the executive should be independent for his continuance in office, on all, *but the people themselves*. He might otherwise be tempted to sacrifice his duty to his complaisance for those whose favor was necessary to the duration of his official consequence. This advantage will also be secured, by making his re-election to depend on a special body of Representatives, *deputed by the society for the single purpose* of making the important choice."

The Constitution of the United States provides, article 2d, "No Senator, or Representative, or person holding any office of profit under the United States, shall be appointed an Elector." This provision admits of no doubt—the *exclusion* of members of Congress from the trust of elector is positive, unconditional and unequivocal—they *shall not* be appointed electors. The object of their exclusion is declared in what has just been read. As clearly declared as if written with a sunbeam, and as wisely recommended as if in the language of inspiration. They shall not be electors, because they are not elected *for that special purpose*: nor at the *particular conjuncture*, but for purposes of legislation and for terms of two and six years service—because being a *pre-existing body*, they are subjects of *cabal, intrigue* and *corruption*—because being a pre existing body, ample opportunity is given to "*foreign powers*" to corrupt them and gain an improper ascendant in our councils—because their "*situation*" subjects them to the suspicion of "too great devotion to the President in office;" and because "*the sense of the people in the first instance*," should operate in the choice of President, who should be independent for his office on all but "*the People themselves*"—So that "without corrupting the whole body of the people," improper influence could not be effectually exerted. So important were these provisions considered, that the same number of the Federalist informs us, that this mode of electing the President was almost the only feature of the Constitution which escaped severe censure, or which received the approbation of its opponents.

All this wise caution of the Constitution was rejected, the letter and spirit of the Constitution violated by the midnight operations of a Congressional Caucus, which Mr. S. said he should shew, virtually, and in effect, placed the election of President in the hands of the members of Congress, and took it from the people. Let us not be told, that there is no danger in

this departure from the Constitution ; that we are secured from corruption by the character of our Congressmen. They may be all "honorable men," but the framers of our Constitution, with the experience of ages before them, forbid us to trust them. We know what man has been, and we are thence to judge what he will be ; and, Sir, when in the early history of our Republic, in its very infancy, we read of the treachery of Silas Deane, the treason of Arnold, and of Burr, the suspicion which dismissed Randolph from office, and the Yazoo speculation which involved the corruption of a whole legislature, common sense commands us to "lay not the flattering unction to our souls," but, as statesmen, to reject the pernicious charity which considers all men as honest.

The Resolutions now submitted to our consideration, express disapprobation of a Congressional Caucus, to nominate a President.

To quiet our fears, to sooth our opposition to the Caucus, we are told, said Mr. S. by some gentlemen, that the Caucus will be harmless, since it merely *recommends* a President to the people—by others, that it will *prevent electioneering*—that it is to *produce union*—and by all, that it is to prevent an election of President *by the House of Representatives, voting by States.* He would examine the solidity of the several grounds on which the Caucus is defended.

"*It is a recommendation.*"—Why, Sir, is any recommendation necessary? What man here is prepared to say, that the people are unequal to the task of deciding for themselves ? While we are flattered with the assurance that we are the most enlightened, the most virtuous and only free people on earth, are we in the same breath to be told, we are unfit to determine for ourselves the proper person to be our Chief Magistrate!—that we must listen and bow to the unasked advice, the gratuitous recommendation of —we know not whom! For Sir, by whom is this recommendation to be made ? I answer, by persons who are strangers to us, and whose qualifications to advise, are utterly unknown to us. They are, however, we are told, members of Congress :—admit it, Sir, but their fitness for the high claim to decide the choice of President, is not thereby established. The duties of members of Congress are highly important, and require rare virtue and talents : but into that station, as into every other, merit, virtues and talents are not the indispensible passport. If the Caucus nomination were to come from the Representatives of this State alone, (which is not, however, the fact,) what member on this floor, knows them all ! For myself, I cannot claim that honor. Who here can vouch that their qualifications to decide are superior to those of the Sixty thousand voters of our State! In what walk of life, in what profession, from the proud range of science to the humblest occupation of labor, where have these gentlemen established their pre-eminence ? In times of danger and calamity (it has been observed,) the people call into their service the first virtues and the best talents : but in times of peace, when no alarms excite attention, the love of country sleeps, an ambition of a lower grade than that of patriotism calls candidates from retirement, and brandy and barbacues, and Cross-road harangues, have a controlling influence. We should know the gentlemen from this State who will attend a Caucus better than we do, before we surrender our right of election into their hands. But Sir, this recommendation may not come from our Representatives. As I understand a Caucus, its very foun-

dation, its vital principle is an agreement that the minority in Caucus shall not only yield to the majority while in Caucus, but they are pledged to sacrifice their own choice, and thenceforth support the man chosen by the majority of the Caucus. The whole number of members of Congress is 260, a majority of these, say 131, constitute a Caucus. In this Caucus, three States, viz. Pennsylvania giving 28 votes, New-York giving 36 votes, and Delaware giving 3 votes, making together, 67 votes, make a majority—and these three States may give the vote of the Caucus. Our representatives who go into Caucus in favor of one man, ruled by the vote of the Caucus, surrender their own opinions, and come out pledged to recommend and support another! And this recommendation, to which we are to surrender our right of election, may come to us, not even as the voice of those of whom we know something, however little, but may be the dictate of the Representatives of three States differing from us in interests, entire strangers to us, and of whose integrity and understanding we are perfectly ignorant. How little of prudence is there in being pledged to submit to the opinion of a body thus organized—How little of Republicanism to yield our choice to any set of men.

That a Caucus recommendation would "prevent electioneering," is certainly true—Electioneering, a meeting with the people in large or small numbers, and discussing with them the merits or demerits of candidates for their favor, explaining the bearings of particular measures upon their interests, thereby to excite their examination and enlighten their judgments on subjects upon which they are to act, manifests a respectful deference to the people, and treats them as men capable of judging for themselves. Upon no subject of earthly concern, can a people be addressed with more propriety than upon the choice of a President; and why not upon this subject, as well as in regard to the every day topics of local and temporary interest? Yet the gentleman from Wake (Mr. Taylor) is in favor of a Caucus, because it will "prevent electioneering," a very candid acknowledgment of what I understand to be a plan to smother the voice of the people upon the election of President. Let gentlemen who approve this plan, tell the people so to their aces, when they next electioneer with them for a seat in this House.

But the Caucus is to "produce union."—Union of whom, and against whom? On some former occasions, when two great parties existed, each contending for power, and for different systems of policy, as well in regard to domestic as to foreign concerns, each party supported its separate candidate for the Presidency. At such times and under such circumstances, a Caucus of either party had the plausible excuse, that it was necessary to prevent a division of its strength, that the party should unite in the support of one candidate, in opposition to the candidate of the adverse party. The object and effect of such a Caucus was to induce some candidates to withdraw, leaving one only of the party in nomination. But at this time, no such excuse exists—there is no division of parties: the Federalists as a *party* no longer exist: most of them are satisfied with the present administration of the government and make no complaint, while others uniting themselves as members of the dominant party, with the new zeal of Renegadoes, unite in the outcry against measures they themselves have supported, and rail at the designs of a "minority."

If there are at this time any other candidates for the Presidency than republicans—if there is any federal candidate, I ask gentlemen to name them. Certainly sir, said Mr. S. there are still federalists in existence, as the gentlemen from Fayetteville has thought it necessary to intimate—men who imbibed their principles of government from Washington—principles which will be cherished as his, until his name and his virtues shall cease to be revered. But these men are not united as a party in the support or opposition of any man or of any measures. And a reference to federalism, as requiring a caucus of republicans, is an uncandid pretence to give countenance to the caucus. I say, therefore, that the *union* desired to be effected by the caucus, is a union of *members of Congress in a conspiracy against the people*—to obtain for their *united* influence the highest reward, to advance their views of personal ambition, without regard to the public good. For himself, Mr. S. said, he was a federalist; he derived his opinions from the doctrines of Washington and Hamilton: never did principles of virtue and patriotism flow from a purer source! He had always avowed and maintained his principles, and approaching the close of an active life, he was proud to recollect, that he had never obtained popular favor (and he had had his share of it) by any disguise or concealment. He had lived to see the hostility to the prominent measures of federalism, the Constitution of the United States: the support of the navy, neutrality, commerce and unfettered friendship with all nations, become the favorites and the doctrines of all parties. He had approved and supported the administration of Mr. Monroe—but still, if heaven preserved to him his integrity and understanding, he should live and die a federalist. He offered as an apology for these remarks, the observation and allusions of the gentleman from Fayetteville.

One further observation about "Caucus union." Mr. S. said he was of the company in which Aaron Burr gave his celebrated toast, "*an union of all honest men!*" The apparent liberality and patriotism of the sentiment obtained universal applause: but we were soon undeceived; the union he desired was a union of conspirators against the government and constitution of the country. He must be excused for not entertaining much respect for the union which a caucus was to produce—an union of individuals against the rights of the people. Burr's scheme was to be acted openly; our people saw the treason and put it down: but the schemes of a caucus, are hidden: they are planned to deceive us under the pretence of recommendation and union, and are more dangerous than Burr's.

The last reason urged in support of a Congressional Caucus, is, that it is necessary to prevent the election of a President going to the House of Representatives, where it must be made by the vote of States, in case no person voted for by the electors has a majority of the whole number of electors.

Mr. S. said, he must be allowed to express his surprize at the objection now urged to this provision of the constitution. Not only was this principle contained in the constitution as adopted in 1789, but with a slight alteration, was submitted to the States and adopted as a substitute for the original article as late as the year 1803. He here read the act of the General Assembly of 1803, ratifying as a substitute for the original article of the constitution, the amendment providing that "if no person voted for as

President have a majority of the whole number of electors, then from the person having the highest numbers, *not exceeding three*, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President; but in choosing the President, the votes shall be taken *by States*, the representation from each State *having one vote.*"

In examining the weight of this reason for a Caucus—the propriety and justice of the design by means of a Caucus to defeat this provision of the Constitution, it is necessary to advert to the nature of our Government.—The Federal Government, we must remember, is a *Compound* Government, partly popular, the will of the people deciding agreeably to *numbers*; and partly Federal, the States deciding in their capacity of *Sovereign Members* of a Federal body. The election of President in the first instance is *popular*; the advantage is given to the large States: their number of votes in the electoral college, is in proportion to their number of people, and six States, giving 131 votes, uniting on the same person may elect the President. But if the election is not made by the people in the first instance, the choice is then thrown upon the House of Representatives, voting *by States*, where thirteen States, being a majority of the whole Union, though they may be the smallest states, and have together but 70 votes in the electoral college of 260, may yet elect the President. As the *six* large States that might elect the President by their electors, Mr. Stanly named, New-York, entitled to 36 Electors; Pennsylvania, to 28; Virginia, to 24, North-Carolina, to 15; Ohio, to 16; Kentucky, to 14.—Six States, having 133 Electors, giving in the electoral college, 133 votes, a majority of the whole electors. As the thirteen small States which might elect the President in the House of Representatives, voting by States, he named, Maine, having 9 Electors; New-Hampshire, 8; Rhode-Island, 4; Connecticut, 8; Vermont, 7; New-Jersey, 8; Delaware, 3: Illinois, 3; Indiana, 5; Missouri, 3; Mississippi, 3; Alabama, 5; Louisiana, 5.—13 States—71 electors.

In the first case, the advantage is given to the large States, where six can out-vote eighteen.—In the last case, the advantage is given to the small States, thirteen of whom being a majority of twenty-four, elect the President, though, in point of numbers, the thirteen contain little more than one-fifth of the whole population of the United States. But before we array ourselves in opposition to this course fixed in the Constitution, we ought to remember, that our union is a work of compromise, and our Constitution an instrument of concession and conciliation. Under this spirit of compromise and concession, the Southern States count three-fifths of their slaves in the census which entitles us to Representatives to Congress, and electors of President and Vice President, under which the Southern States gave as many electoral votes above those we were entitled to for our white population, as made Mr. Jefferson President of the U. States, and under which we now send as many representatives to Congress, as five small States are entitled to, more than we could claim from our white population alone. Under this compromise, the smaller States have as much weight in the Senate as the largest, and the smallest and weakest States, have their independence and safety guarantied by the strength and wealth of the whole. It is this spirit of concession and compromise that formed and must cement

our Union. It is as gross a violation of honor and good faith to endeavor to deprive the small States of their constitutional right of election of President by equal votes in the House of Representatives, as it would be by Caucus or other indirect mode, to deprive them of their equal vote in the Senate, on all treaties, appointments, and acts of legislation. If we prize our Union, it does not become us to complain of the terms on which it was obtained, nor act the dishonest part of defrauding the weaker members of the Union of the right we have promised they should enjoy. The concessions of the Constitution are a cheap price for its inestimable worth.

But, Sir, said Mr. S. before we lend ourselves to defeat this provision of the Constitution, for an ultimate election of President by the States in the House of Representatives, let it be remembered, that the election by States even then is not uncontrolled—the States cannot elect whomsoever they please—their choice is confined to one of the THREE highest, presented by the votes of the Electoral College. And even in this case, the large States not agreeing upon the President, *nominate three persons* for the office, for which one is to be elected. Their choice therefore is at last but a ratification of the election made by a respectable portion of the people themselves. A word more on this point of debate :—There are persons in this State and in this House, who hold that the government is a mere union of States; what shall we think of the consistency of these gentlemen, who holding such opinion, yet support a caucus, to rob a portion of the States of their equal power, not only resulting to them, as equals in the compact, but secured to them in the constitution ?

Mr. S. said, it had nearly escaped him that there was yet another ground on which a caucus nomination of President was defended—the one advanced by the gentleman from Fayetteville alone : " to prevent the election of De Witt Clinton." While the gentleman mentioned this among the advantages of the caucus, he thought it proper to say Mr. Clinton was a man " pre-eminent for talents." It would have interested many of us, had the gentleman informed us, why the election of a man thus pre-eminently gifted should be defeated—but the gentleman gave us no reason. Mr. S. said, it was due to Mr. Clinton to say, that his qualifications for the highest office in the gift of his country, were of the first order ; and if it were not his misfortune to be a citizen of a State, torn, distracted, and governed by rancorous factions, his chance for the Presidency would not be inferior to that of any man presented to our choice on the present occasion.

Mr. S. said, that having examined the arguments urged upon us in vindication of a Congressional Caucus, he would now briefly turn to the other side of the account, and add some further observations the more clearly to expose the wickedness of this Caucus system.

By the fundamental law of a Caucus, the members strip themselves of all the obligations and responsibilities of their office of members of Congress—they are not bound by oath to act honestly in Caucus, nor are they liable to impeachment or punishment, for the corruption which may there govern them. Yet, though all the restraints which honor and good faith would prescribe are cast off, they assume fetters which common sense should disdain to wear ; they bind themselves to one another, to recommend and to support for the Presidency, the man preferred by a majority in that Caucus, although the individual thus selected, may be unknown to

them, or what is worse, may be the object of their distrust or dislike : and should the Caucus be composed of a bare majority of the Congress, of a small faction, the Caucus recommendation may be obtained, (as I have before shewn) by the votes of *three States only*. An admirable plan this to prevent an election by the votes of *thirteen States* in the House of Representatives ! To avoid what they call the monstrous injustice of an election by thirteen States, they invent a plan by which, without any injustice, three States may decide the election !

The reasons for the exclusion of members of Congress from the office of Electors have already been explained—the danger of corrupt bargains between them and the President ; and of improper influence from foreign powers. Their exclusion on ground of expediency is also strong. Members of Congress should be chosen with a regard to their ability as legislators, their knowledge of the foreign relations of the United States, and the influence which any measure of foreign or domestic policy may have on the general welfare ; and on the interests of the particular section of the country which they represent. Convert them into *Electors* and these necessary qualifications are lost sight of. Instead of their capacity for legislation, their opinion on the Presidential Question, will become the subject of enquiry ; those who agree with us on one point, may be most opposed to our interests and wishes on the other, and on one or the other questions we may be misrepresented.

But the labour of the Caucus is to produce only a "recommendation," and that from persons "acting merely as private citizens." Yet after making this declaration, as every advocate for the Caucus has made it, they see no inconsistency in acknowledging, that "the Caucus will have an influence, a bearing on the election :"—it will "prevent electioneering," (by deciding the election, I presume, and leaving nothing to electioneer about ;)—"it will keep the election from the House of Representatives"—and "it will prevent the election of De Witt Clinton ! !"—Sum all these acknowledged effects of the Caucus together, and I think it will amount to "an election of the President." But in this Caucus they meet merely as private men. Pity it is, sir, that this foul blot of a conspiracy to undermine and overturn the barriers erected by the people against fraud and corruption, should rest on members of Congress—but such is unfortunately the fact. Who are invited to attend the Caucus ? Members of Congress only. Who are permitted to take seats and to vote ? Members of Congress only. Why are not all citizens invited ? Surely it is an uncandid evasion of the fact, to say they meet merely as private citizens.

Assuredly, sir, said Mr. S. I may hope for universal assent when I say, that no right of independence is more valuable than the right to elect our first Magistrate, and that no right more requires virtue and intelligence in its exercise. However favorably, we may think of our members of Congress, there is, there must be more wisdom, virtue and intelligence in the great body of the freemen of the country, than can possibly fall to the lot of any individual. The election of President is safest therefore, in the hands of the great body of the people.—It is sure to be exercised by them with the purest views—with a more certain aim at the public good. Yet sir, it is the fact, all who hear me know it is the fact, that under the operation of this Caucus system, the great body of the people take no interest in the election of President. Witness your last elections, in which I verily be-

lieve not six thousand votes were given in the State, when the comparatively trifling State elections call sixty thousand freemen to the polls. They do not attend, because they know the thing is already settled : Caucus management has usurped their rights ; who the *President* shall be, has been settled by our *Congressmen* at Washington ; who the *Electors* shall be, is settled here, by a Sub-Caucus of *Assemblymen !* The ardent love of his country, which once urged the freeman to investigate and weigh the qualifications of the candidates for his favor, is changed into a servile submission to the choice made for him by others : the generous warmth of independence under which he once pressed to the polls, now changed to apathy and indifference, he remains at home ; and the few who witness the sickening effect of this Caucus, sitting like a night-mare upon our most valuable institutions, turn with disgust and abhorrence from the scene. Look, I say again, look at your last elections for the proof of these declarations. Such is the practical result of a Caucus—the surrender of the right of election to the hands of a few, and the debasement of the individual citizen and the disgrace of our institutions of liberty. To reverse this scene, abandon the Caucus interference ; restore the election of President, where the wisdom of our fathers with the blessing of Heaven placed it, into the hands of the freemen of the State.—You elevate the national character, and dignify the individual citizen, by requiring him to reflect and to decide upon subjects deeply affecting the best interests of his country—the virtue of a free people will guarantee the correctness of their decision, and you preserve the splendor and purity of our Republican Government.

But, sir, said Mr. S. we are asked what right has the Legislature to interfere by offering our opinions upon this subject ? He thought gentlemen might be satisfied of our right to interfere by a reference to their own arguments and to their own conduct on former occasions. As the grand inquest of the people of the State, as the guardians of their rights, as the watchmen placed by them on the walls to give the alarm of approaching danger, it is our right, our duty, freely to investigate and fearlessly to challenge the movements of any man or set of men, which in our opinion threaten our liberties, or impair our rights. Upon this foundation the legislatures of all the States, by resolutions and instructions, in almost every year, express their views on various subjects, committed by the Constitution to the control of Congress ; and so firmly has the practice been established, that the legislature of this State, has on divers occasions exercised the right. The vote of censure on a former Senator, the resolutions approbating the late war, and Mr. Madison's conduct in prosecuting it, are prominent instances of such interference. The right of the States, thus to interfere, is supported by the highest authority. The letters of Publius to which I have before referred, give an assurance of safety to the people from the vigilance of the State Governments—who as *guardians* of the rights of the citizen will have their attention awake to the conduct of the national rulers—who on any thing improper appearing, will *sound the alarm to the people*—will be their voice, and if necessary the arm of their discontent. If the statesmen who wrote the Federalist are right, we may examine the measures of the Federal Government and sound the alarm, if we discover ought improper. But if the Caucus advocates are right, we shall not dare to whisper disapprobation of *their* unhallowed treason.

But the right of the legislature to interfere in this business, rests upon still firmer ground than usage and common understanding. By the 1st section of the 2d article of the Constitution, the trust of appointing Electors of President and Vice-President is given to the legislatures of the States. To regulate the election of Electors, even to make the choice by their own votes is, by the Constitution, the right of the State Legislatures; and when any set of men, call it Caucus or what you will, assemble together, step before us, the Legislature of the State, and virtually elect the President, leaving to us and to the people the humble duty of subscribing to what they have done; if it be not in our power to act in opposition to this conspiracy, it is at least very moderate presumption to go as far as the proposed resolutions; humbly to declare our disapprobation of the course proposed.

With a few observations he should be done with this part of the subject. In entering this building, said Mr. Stanly, we are gratified with a sight of the Statue of Washington, from the first sculptor of the world. In this Hall, too, we have here before us the striking resemblance of his person from the first painter of the age. For what purpose are these monuments thus placed? Does any one believe, as mere splendid gew-gaws, to indulge our fondness for th fine arts, or to please the eye of the listless visitor? No, Sir. I fondly hope, said Mr. S. they are placed before us for far more exalted purposes. For an end in which States are proud to vie with each other. To recal the recollection of the Father of his Country, the Statesman and the Hero; to express the deep interest we feel in his character, to awaken the best feelings of the heart, a grateful remembrance of his services and virtues, inspiring resolution to imitate his virtues, to emulate his fame, and to derive wisdom and virtue from his life.

Permit me, Sir, at this moment, when we may hope that the base passions of party are suspended, to read, as applicable to the occasion, a part of Washington's Farewell Address:

"All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract or awe, the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency....They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration, the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

"However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion"

It is Washington who thus counsels—though dead he yet speaketh! The dangers against which, as if by inspiration, he thus warned us, have arrived. The self-created Societies, or combinations, call them by what

name you please, whether Jacobin Clubs in France, or Caucus in America, alike design to "direct and control" the election of President—to "organize a faction," to take the power from the hands of the people, to sell their own influence at the highest price.—They are destructive of the liberty of the people and ought to be put down. If we pay any regard to the admonition of Washington—If his opinions are not to sink into contempt, as he has sunk into the grave, this Caucus system should receive the reprobation of every friend of his country.

But say the advocates of a Caucus, admitting the objections to a Caucus recommendation to be well founded, admitting the right of the Legislature to interfere, yet, say they, the Preamble to the Resolutions is improper—is sophistical. Is it candid, Sir, in gentlemen to say, they vote against the Resolutions, because they dislike the Preamble, when they well know, and are repeatedly told, the Preamble may be amended, and even stricken out, if they will withdraw the motion to *postpone indefinitely*, which they have made, and which motion, by the rule of the House, precludes amendment? Is there an honorable man on this floor, who can say to the people "I voted against the Resolutions, because I disapproved the Preamble," and not at the same time acknowledge, "yet the Preamble would have been amended, or stricken out, but I would not permit it!" As no attempt has been made to prove the Preamble sophistical or untrue, it would have been full as well not to havecharged it with being so.

The names of the most conspicuous of the persons nominated for the Presidency have been introduced into this debate by several gentlemen who have preceded me. I may therefore be pardoned for glancing at them. And as I am still a free man—no office-seeker, and never have and never shall either ask or desire any favor from great men, I shall express my opinion with freedom.

Mr. Crawford, it is said by his friends on this floor, is the best qualified of the candidates for the Presidency. The qualifications for this high office, are of such nature, they cannot easily be concealed. From what quarter the lustre of Mr. Crawford's merits thus shine, I am unable to discover. As a *politician* his course has been marked by twisting and turning; by the instability of a political weathercock. In 1798, he addressed John Adams, from Augusta, in terms of fulsome adulation at a period subsequent to the *commission* of the most obnoxious of his federal sins. Upon removing soon after to a soil where republicanism (so called) most flourished, Mr. Crawford is distinguished as an inveterate republican, and of course, denying to John Adams a single claim to merit or approbation. Subsequently, in Congress, at a crisis when the beam trembled; and it was doubtful, whether the measures of the Republican party would not sink them, Mr. Crawford acted with the Federalists in opposition to the embargo, non-intercourse, non-importation and embargo, and war, and in support of a national bank. This changing course might pass for independence, and might do Mr. Crawford credit, but his friends must call him the only truly Republican candidate, and think to delude the uninformed by this winning appellation, when in truth, so far from adhering to the Republican party in all cases, or at all times, he differed from

them and acted with the Federal party, in the most critical times, and on the most important party questions.

In one point he has been consistent. He has always opposed (what he called that *Fungus*,) a Navy. To deny to Mr. Crawford, the credit of considerable ability would be unjust, but so far from meriting the first rank I should be disappointed greatly if there were not hundreds of men, in every State of the Union, his equals and many his superiors in talents. Where, I ask, do this gentleman's friends point us for the evidence of his superior powers? His speeches are of ordinary fabrick: his reports in the departments which he has filled, are the mere common-place detail, which the chief Clerk of his office might, if in fact he does not prepare. It would be unjust, however, to withhold from Mr. Crawford, the credit to which his friends may think him entitled, for the proposition seriously made by him in his report to the Senate of the United States, in March 1816, on the subject of Indian Affairs. His project to intermarry them with our sons and daughters.—I will read a part of that report—"When every effort to introduce among them ideas of separate property, as well in things real as personal, shall fail, let *intermarriages between them and the whites be encouraged by the Government.* This cannot fail to *preserve the race*, with the modifications necessary to the enjoyment of civil liberty and social happiness. It is believed that the principles of humanity in this instance, are in harmonious concert with the true interests of the nation. It will redound more to the national honor, to incorporate, by a humane and benevolent policy, the nations of our forests in the great American family of freemen, than to receive with open arms, the fugitives of the old world, whether their flight has been the effect of their crimes or their virtues."

Here, sir, we have a specimen of Mr. Crawford's talents as a statesman, and his sentiments and feelings as a man. He proposes that *Government* shall *encourage* this creation of a motley race, that shall change the decendants of white parents into *half-breeds*—for the valuable purpose of "preserving the race of savages!" And that too, he considers more honorable than receiving with open arms "the fugitives of the old world, whether their flight has been the effect of their crimes or their virtues." What exemplary conciliation and forgiveness, are manifested by the gentlemen not natives, but "fugitives" as Mr. Crawford calls them, who distinguish themselves in his support, and of whom there are some to be found even here!—When he shall be the President, and under his influence the Government shall encourage these savage intermarriages, how ample will be the reward of the zeal of his young friends, each of whom may aspire to the hand of an Indian wife, and a tract of land; and should they on trial dislike the bargain, they can sell the land, and the wife too. There are not wanting other serious objections to the election of Mr. Crawford. I allude to the charges affecting the integrity of Mr. Crawford, given to the world by Gov. Clark of Georgia, under his proper signature, and to the mysterious affair of the suppressed documents from his department, respecting the public money lost under his management by deposits in certain western banks. Of the truth or falsehood of these charges I pretend not to have knowledge—but as Cæsar repudiated his wife, without proof of her guilt, because the chastity of Cæsar's wife should not even be

suspected, so the American People ought to say, "The integrity of a President of the United States. ought to be above suspicion." But, Sir, whatever may be Mr. Crawford's fitness for the Presidency, when I see his friends, and his friends only, endeavoring to sustain him by that machinery of corruption and intrigue, a Congressional Caucus, by endeavoring to rekindle the vulgar prejudices of party, I must find very serious objections to his competitors, before I give my vote to Mr. Crawford.

Mr. Calhoun, we are told on this floor, is not a Republican; the gentlemen say, at least, he is not a Republican of the *Jefferson School.*— Mr. S. said the path of Mr. Calhoun had been a bright one; it had been distinctly seen and clearly marked. As a member of the Republican party, Mr. Calhoun had been greatly distinguished for his consistency, his zeal, and his ability. If to have contended, with all his eloquence and zeal for the right of universal suffrage, be Republicanism—If to have advocated and supported the late war against Great-Britain, in all its stages, be Republicanism; if to have reduced the expenditure of the army, under his administration of the War Department, and to save to the country, by his reform, a million of dollars annually, be Republicanism, Mr. Calhoun's claim to the character of a Republican is inscribed on his country's history. But he is not a Republican of the "Jefferson School," gentlemen say.

If to desire to convert our gallant navy into a fleet of contemptible Gun-boats; if to reduce the army at each point to little more than a Corporal's guard; if to rely on the system of distressing ourselves by embargoes, and non-intercourse laws as the means of obtaining redress from our enemies; if to deny to the federal Judiciary, the power under the Constitution to support the federal government, and the authority of its laws; if these constitute a Republican of the Jefferson school, I presume Mr. Calhoun has no claim to the character. But, Sir, let his enemies or his friends place Mr. Calhoun where they please in the ranks of party, his country, without the influenceof party feelings, will place him in the first rank of statesmen and of patriots.

For the claims of Mr. Adams, Mr. S. said he had the highest respect. Schooled in politics, every hour of his life has been devoted to qualify himself for high stations in our government, and on many occasions he has been distinguished as the able and intrepid asserter of his country's rights. I owe it, nevertheless to candor to declare, that the apostacy of Mr. Adams from his old friends the Federalists to the Republicans, did not please me; the crisis at which he sought the alliance of Mr. Jefferson, the moment when his party had gained the ascendant, left room to question the integrity of the change: but it is due to Mr. Adams to acknowledge, that his subsequent course of conduct, steadily and without wavering, sustaining the rights, interests and honor of his country, should banish every doubt of his honesty. Considering Mr. Adams' qualifications and experience, and that the election of President is not merely a matter of sectional interest, but in its character and sphere, it is national; that the Southern States have given four out of five of the Presidents we have had; that on this occasion, to elect the President from the Northern section may serve to remove discontent, cultivate harmony, and strengthen the Union, upon which our hope of Independence must rest. If my vote would elect the President, I would (of

the gentlemen nominated) give it to Mr. Adams. But as I believe, that although in this house, and in every part of the State, Mr. Adams has many and respectable friends, yet as the number does not promise an efficient opposition to the Candidate whom the Caucus is to nominate, a ticket for Mr. Adams in this State would be but a waste of strength, and I feel no hesitation in declaring, that under these circumstances, I am willing to give my support to Mr. Calhoun.

Notwithstanding, said Mr. S. the boldness of gentlemen, who arrogate to themselves the exclusive merit and character of Republicans: many of whom have been known only since the struggles of parties have ceased and contests of opinion actually subsided, by the universal agreement of all honest men, upon the prominent principles on which the Government should be administered; some of whom are scarcely out-worn their first breeches: and whose only part has been to float along the current of party; who yet denounce as Anti-Republicans all who differ from them on this occasion. I find myself, said Mr. S. associated in my opinions, against a Caucus, and in favor of Mr. Adams or Mr. Calhoun, in preference to Mr. Crawford, not only in this house, but in every part of the State, with gentlemen, whom the country has long recognized as among the most respectable of our citizens, and who have always belonged to that class of firm and inflexible Republicans whose personal character and exertions created and established that party, which these youthful patriots are so proud to claim as their own. And I see among these would-be exclusive Republicans not only out of the House, but in the House too, some decided Federalists, who joining in the support of Mr. Crawford, and his projected Caucus, give their allegiance to those who still abuse them. For myself, said Mr. Stanly, I thank God, I can say I am still a Federalist. I never have, and I never will put on the turban and turn Turk, for any share of the plunder.

It is true, sir, that this question has taken up some of our time, but it has not been wasted, as gentlemen please to say. In the share I have had in the discussion, I have been influenced not only by the hope that reflection may come to some on this floor, who have heretofore favored a Caucus; but that the far greater benefit may flow from the debate:—that the public attention may be roused and turned to the subject; that the indignant voice of a free people will soon be heard to put down the false and presumptious hope of those who by secret and midnight Cabals and Caucuses, plan projects, ruinous to the liberties of the country: and that the most valuable of the rights of freemen, the right of Election, uncontrolled by any conspiracy to direct their choice will be restored to them. As a free man, it is my privilege to investigate measures which concern my rights; as a Representative of freemen, it is my duty to bring to the bar of public opinion the designs of those whose projects or conspiracies endanger the safety of the Constitution and encroach on the liberty of the people, and the freedom and purity of election. And may Heaven in its just judgments, deal with me as I act firmly and concientiously in the support of these principles: the defence of the Constitution, and the right of the people freely to elect their officers and Representatives.

Mr. Brown said, it was with reluctance he rose again on this question; but he did so, to correct an error which the gentleman from Newbern had

fallen into, when he charged him with inconsistency, for having some years ago submitted a resolution in support of Mr. Madison's administration, and now opposing these.

He had contended the other day, that this Legislature had a right to instruct our Representatives in Congress on any subject which might come before them in their legislative capacity, but not as to any act to be done by them in their private capacity.

Mr. B. had not supposed that the merits of the different candidates for the Presidency would have been canvassed in this debate. But we have been told, said he, that Mr. Crawford once belonged to the Federal party. And what is the proof adduced? That he signed an Address to Mr. Adams, then President, approving the course of his administration in relation to France, with whom it was believed we were about going to war. But at that time, the most obnoxious measures of Mr. Adams's administration, the alien and sedition laws, had not passed.

Those most opposed to Mr. Crawford, in Georgia, where he then resided, have publicly declared that he has always been considered a firm Republican of the Jefferson school.

It is also urged against Mr. Crawford, that he is friendly to intermarriages between the whites and Indians. He could not say that he admired this project; but it was not a novel one. The celebrated Patrick Henry first broached the idea; and he had never heard it charged against him as an offence. He thought it was creditable to the humanity of these gentlemen, if not to their discretion.

Mr. B. thought there was a great difference between the political characters of Mr. Crawford and Mr. Calhoun. The former he considered as a plain firm Republican of the Jefferson school; the latter bore the character of a Republican, but he was fond of show and expence, and greatly attached to the army. A standing army, Mr. B. had always looked upon as contrary to the genius of a Republican government, and the wisest politicians had so considered it: It is the most powerful engine in the hands of an administration. A popular government stands in no need of such an auxiliary; nor does a free people want it for protection; for, if the country be invaded, the citizens will rise in a body in their own defence.

He was clearly of opinion these resolutions ought not to pass. A nomination by Members of Congress, is the only thing that can unite the republicans of the Union in the pending election; it is the only course which can prevent an election by the House of Representatives; for if all the candidates now before the public be voted for, no one can be expected to receive a majority of the votes of the electors.

Such an occurrence had but once happened, and that will never be forgotten. Did the House of Representatives on that occasion consult the wishes of the people? No; they were very near electing Aaron Burr to the Presidency, who had not received a single vote as such, all the votes for him, having been given to make him Vice-President. Fortunately for the nation, after a long struggle, Jefferson was elected. But surely we can never wish the country to be placed again in so perilous a situation as it then was. To prevent this, he hoped the usual nomination would be made.

Mr. MEBANE rose, and hearing a call for the question, said, he should detain the House but a few minutes. He believed that all that could be said on either side of the question had been already brought forward, and, of course, he despaired of saying any thing worth the attention of the House; but as the subject had produced considerable excitement amongst the members of this House, and as his political standing has been somewhat different from many of those gentlemen who supported the principles contained in these resolutions, he therefore thought it necessary to express his sentiments on the subject.

He thought those gentlemen who were opposed to the Resolutions, had not (to say the least) treated the friends of them with fairness, but had rather returned evil for good; they have not exhibited the same comity, that was shewn to them by the friends of the resolutions; for when these resolutions were first called up, those opposed to them asked for time, alleging that they were not prepared for their discussion, and that some one or more whom they expected to aid them in the business, was at that time absent: the time asked for, was granted them. Indeed, from the first appearance of these resolutions in this House, those opposed to them have evidenced an unwillingness to meet the question fairly; for they, at that time, made great opposition to their being presented, shewing an unwillingness to afford the members the customary opportunity of reading and examining them for themselves, so that they might be enabled to vote understandingly upon them; but in this attempt they miscarried. The house resolved to see them, and they were accordingly printed. What was the result?

They were found, on examination, to contain some sentiments to which most of those opposed to the Caucus system (which seems to be growing up in our country) could not subscribe, and of course were not for going the full length proposed in the Preamble and Resolutions, they were not willing to instruct our members of Congress how they should act in such a case; and of course they wished to have amended the Resolutions in this respect, and proposed to do so, that their votes on the question might be correctly represented, and even the author of them wished them amended in this and some other objectionable parts. But gentlemen say no. The Resolutions shall be discussed, and a vote taken upon them in the form and dress in which they were introduced, and in this instance, again show their unwillingness to meet the question fairly; for they very well know, that if this feature of the Resolutions was taken away, they would be deprived of their strongest argument against them.

The advocates of a Congressional Caucus say, that it is necessary to keep together what they call the dominant party, no doubt meaning the Republican party. This, to use the language of the gentleman from Fayetteville, is an "argument ad captandum," calculated to revive party feeling, and unite the Republicans of this House in opposition to these Resolutions, which, if they were passed, might have a tendency to defeat their Caucus scheme, on which they seem much to rely for the election of their favorite candidate as President.

Who, asked Mr. Mebane, are the Republicans, or rather, who are not the Republicans of the present day? Why, Mr. Speaker, many old men who were formerly not only federalists, but almost royalists, are now not only

Republicans, but flaming democrats; and as to the young men of these times they are all Republican, and it is quite natural that as many of them as expect to be candidates for public favor, would be Republican, because this is the popular side, this is with many, the surest and only way to promotion.

But he knew many among the supporters of these Resolutions, who were Republicans, when Republicans were in a minority; but who are those who now sound the tocsin of alarm? and would denounce every man as an apostate, who cannot join them in all their Caucus schemes of intrigue, which they say are necessary to keep together their party. They are young gentlemen. They are Republicans, either of late conversion or late growth. Many of those who support these Resolutions, were supporters of the Republican cause, when these youths were in their minority, and who did not evidence a disposition to denounce their brethren because they did not agree with them at all times, on every subject, that come before them. There are Republicans present, who were so at the time when Mr. Crawford is charged with drawing and signing an Address to John Adams, approving all his measures. One at least of whom, then recorded his vote in this House in opposition to a similar Address from the Legislature of this State. And are these the men who are admirers of the Caucus system, and who think that the people cannot be trusted to choose a President for themselves, without being dictated to by a Caucus, composed of a few members of Congress? No. They have learnt, by experience, that the people may safely be trusted to do their own business, and they are not afraid to submit the question of electing a President of the United States to the people, without the instructions of a Congressional Caucus. But it is necessary to keep the dominant party together, lest they fail in electing a Republican President. He considered all the candidates as Republicans. True it is, that two of them to-wit: John Quincy Adams and William H. Crawford have heretofore been found in the Federal ranks, but he believed they were now firm Republicans. But it is said, a Caucus is necessary, to put the most popular candidate in nomination. This is strange reasoning. Whoever saw any difficulty, in effecting the nomination of a candidate; for if he does not choose to nominate himself, his friends will bring him forward; and on the present occasion, there are already five candidates in nomination for the Presidency; but which of them is the most popular, will be more correctly ascertained by an election by the people, than by a Caucus.

Another reason urged in favor of a Caucus nomination, is, that it is said to be the only way to prevent the election of President, from going into the House of Representatives. But let us see whether the remedy is not worse than the disease; or whether it is safer for an election to be made, or a nomination, which appears to be virtually the same, by a self-created Caucus, composed of a bare majority of the Members of Congress, in the first instance, and twelve months before the proper time of elections; or by the House of Representatives finally, out of the three candidates highest on the list, who must have received many thousand votes of the freemen of our country, before the House of Representatives can have a Constitutional right to vote for them. Certainly, nothing more need be said, to convince every man that it is safest and best, not to endeavor, by any such contrivance, intrigue or management, to defeat the wholesome provisions

of our excellent Constitution. For his own part, he said he had no fears that a bad choice would be made, in this way, out of the candidates at present spoken of. And as there must be some tribunal to decide, if the people fail to do so, he did not wish to see this Constitutional provision evaded.

Gentlemen tell us of the case of Jefferson and Burr. He condemned the conduct of those who espoused the cause of Burr as much as any man. But such a state of things cannot now occur under the amendment of the Constitution since adopted on this subject, and which no doubt grew out of that case. The votes for President and Vice-President are now distinctly given, and Congress must therefore, choose one of the three most popular men in the Union, and would most probably elect him, who received the highest suffrage from the people. He called upon plain men, like himself, to consider the effect of the vote they were about to give. Do you wish your Members in Congress to tell us whom you must vote for as President? then vote for indefinitely postponing these Resolutions; but if you wish to be uncontrolled in your vote for this high officer, vote against the postponement.

Mr. Rainey rose and observed, he apprehended that when his grey hairs were taken into view, he could not be ranked with that juvenile class of politicians, of whom the gentleman from Orange had so illiberally, and uncharitably spoken, as finding their way to popularity by joining the stronger side of the political contest—he, however, on the present occasion, was heartily with them in sentiment: though indeed the gentleman from Newbern, who had taken occasion to observe that it was boys but just out of their first breeches who seemed to lead the way in opposing the resolutions before the house, might perhaps consider *him* as not yet out of *his*, for he had not yet got into the dandy *pantaloons*, but was really, as regards that article of dress, in the first fashion that he had any recollection of wearing.

Mr. R. then exclaimed, a Caucus! a Caucus! a Caucus! this hideous monster that has been thus described by that gentleman in its most terrific form, "Gorgons, Hydras, and Chimeras dire"—yet he really believed that it would be found quite a harmless thing. Indeed, it was quite an undefined thing, it was neither found in our laws or gospels. Our laws point out what constitutes a riot, an affray, or a conspiracy; but this more horrid thing, a *Caucus* was not there recognized, or at all known, and he believed it a universal maxim, *no law, no transgression!* He hoped the motion for indefinite postponement would prevail.

Mr. Williamson had hoped, that the motion for indefinite postponement would have been withdrawn, that the question might have been taken on adopting or rejecting the Preamble and Resolutions themselves. He wished to have seen by the result of the vote, who are, and who are not in favor of Caucusing.

The members of Congress get together at Washington, and take upon themselves to say, who shall, or who shall not be our next President. We are thus guided by these closed door Caucuses, as we invariably elect the Candidate whom they select.

If this practice be not directly in hostility with the words of the Constitution, it is so with its spirit. That revered instrument has been sometimes called a mere bundle of words; but he considered it as containing spirit and principle, and as founded in compromise. He was willing to record his vote on this question; and that the people here, and at home, should know that he was opposed to Caucuses.

Mr. LEONARD thought that the holding of Caucuses were frequently attended with the best effects. When, for instance, said he, there are several Candidates for a particular office, who are all thought well of, and whose talents and qualifications for office are nearly equal, and these men are opposed by a Candidate of entirely different opinions, whose election the majority wished to prevent, Mr. L. knew of no better way than that the majority, or persons representing the majority, should hold a meeting, in order to ascertain, by a vote among themselves, which of their several Candidates was the most popular; and when this appeared, to drop all the rest, and run him. His election would then be certain; whereas, if no such Caucus had been held, the probability is, that, by the majority dividing their votes amongst their several Candidates, the man run by the united minority would be elected.

Mr. FISHER said, it was with unfeigned reluctance he arose to address the House a second time on this subject. When he opened this debate, he had explicitly stated, that his remarks should be confined to the subject of Caucus, but that if other gentlemen chose to enlarge the limits of discussion, and bring in the Presidential question, he, for one, was willing to meet them. They had done so, and he felt himself bound to redeem his pledge.

Before I advance to the Presidential question, said Mr. F. I must bestow a few passing remarks on what has fallen from some of the gentlemen who followed me in the debate. In the course of my previous remarks, I had rejoiced at the downfall of party, and that the season had come when we could meet and hold friendly intercourse without the embittered recollections of party rancor and rage; but when in the language of Mr. Jefferson, "we are all Republicans—all Federalists." To these expressions of mine, the Gentleman from Beaufort, (Mr. Blackledge) declares his dissent, and with a doleful face, laments, that the elements of society are no longer lashed into strife by party violence. *(Mr. Blackledge here declared himself misunderstood, and gave other explanations.)* Mr. F. said, he would not attribute such motives to the gentleman from Beaufort, but there were men, whose importance in society mainly depends on the existence of faction:—as party-men, they have some chance of getting forward, but on the score of personal merit, they have no hopes: These are the sort of men, that were sorry to see peace and harmony restored to the bosom of society: these are the men, when party is down, who may exclaim, "Othello's occupation's gone." For my part, said Mr. F. if my humble merits are not sufficient to gain me the confidence of the people, let me dwell in obscurity forever.

The gentleman from Caswell (Mr. Brown) seems to be in a terrible rage against Felix Grundy, and against the State of Tennessee. No one on

this side of the question had even mentioned the name of Mr. Grundy, but it appears, that gentleman had brought before the Tennessee Legislature, Resolutions disapproving a Caucus, and this was what had awaked the anger of the gentleman. Mr. Grundy, no doubt, would feel extremely mortified, if he knew the very humble opinion entertained of him by the gentleman from Caswell.—But, Tennessee, it appears, has also incurred his censures. According to him, she is a factious State; she refuses Kentucky the privilege of sueing in her Courts; *her* example, therefore, should have no influence on us. Sir, it may suit the gentleman's purpose *now*, to speak thus of Tennessee—a State composed of emigrants from North-Carolina—the same kind of people with ourselves—our kindred and our friends; but the time is not long gone by when the name of Tennessee was sounded in very different accents. Yes, Sir, when the gentleman from Caswell, like myself, and most of the members of this House, were enjoying the safe comforts of home, the brave men of Tennessee, with Jackson at their head, were fighting the battles of the nation; while we were in our warm chambers secure from danger, they were facing the enemy in the woods of Tallidega, or on the banks of the Mississippi. *Then*, Tennessee was not a factious State, her fame was sounded by every tongue; but the Legislature of Tennessee have set their faces against the detestable practice of Caucusing, and therefore, in the imagination of the gentleman she has become a factious State. (Mr. Brown here explained—he never doubted the bravery of Tennessee.) Mr. F. continued—The gentleman from Wake, (Mr. Taylor) has misrepresented me, in his reply to some of my remarks: not intentionally, I am sure, but through misconception. Mr. F. here noticed several remarks made by Mr. T. and replied to them.

The gentleman, said Mr. F. and others, have called upon us to show them any clause in the Constitution, which forbids members of Congress from holding Caucuses. What, Sir, because there is no clause which says, "Members of Congress shall not hold Caucuses," does it follow that they may hold them? If members of Congress are permitted to do every thing not *expressly* prohibited to them, then their powers would be unlimited indeed. But, Sir, this is not the way to construe the Constitution. The General Government is one of *delegated* powers. The Constitution expressly gives or plainly implies, all the powers to be exercised by its agents, and Members of Congress cannot justly do a single act not authorized by the Constitution. With more propriety, then, can we call upon the gentlemen to show that part of the Constitution which authorises members of Congress to hold Caucuses for the nomination of President and Vice-President of the United States. But, Sir, there is a clause of the Constitution which plainly prohibits Congressional Caucuses for that purpose; it can be found in the second article. In his former remarks he had gone into the arguments to show, that these Caucuses were against the spirit, if not the letter of the Constitution, and he would not now travel over the same ground.

Mr. F. said, the gentleman from Beaufort had told us what a wonderful Republican Mr. Crawford is—and had talked much about his "public services," and his economy. He had told us, too, that Mr. Calhoun is a *federalist*, and that he is extravagant; but the gentleman has not condescended to furnish the proofs either of Mr. Crawford's Republicanism, or Mr.

Calhoun's Federalism—of the economy of the one, or the extravagance of the other. Nor has he pointed out, when and where these "public services" of Mr. Crawford were performed. Empty assertions are not proofs, and these are the only kind the gentleman has furnished. But, said Mr. F. as the friends of Mr. Crawford are either unwilling or unable to furnish the evidence of all the fine things they tell us of, let us go back a few years and examine for ourselves. I shall not, said Mr. F. go back to the career of Mr. Crawford in Georgia, before he entered Congress, nor shall I notice his Federalism of '98, and his written approbation of the Alien and Sedition laws of John Adams—these will take him up after he went to Congress.

The "public services" of this candidate, said Mr. F. may be arranged under three divisions :—1st. Those he performed in Congress. 2d. His diplomatic achievements. 3d. Since he has been Secretary of the Treasury.

First, then, in Congress. What did Mr. Crawford do to distinguish himself, during the period he was in Congress ? What important measure did he devise and support ? His speech in favor of the renewal of the old United States Bank, is the only evidence his friends pretend to furnish in support of his claims to talents and services. Now, Sir, I do not pretend to deny that Mr. Crawford has talents ; he certainly has more than ordinary talents, but they are of a particular cast, they are better adapted to the management of a party than to the high duties of President. But, Sir, this speech of his does not prove him to possess either talents or correct principles. It will be recollected, that Mr. Gallatin was in favor of renewing the charter : Mr. Crawford was on the Committee charged with the subject, and Mr. Gallatin had put the Committee in full possession of all the reasons and arguments in favor of the measure. Arguments being thus furnished to the Committee, surely it did not require great talents to bring them forth in the form of a speech. Men of much less talents than Mr. Crawford could have done it. The fact is, Mr. Gallatin's agency in this business was so well understood at the time, that the speech was called "Gallatin's speech." Whether it was proper to renew the charter of the old U. States Bank, is not necessary now to enquire. It is, however, certain, that the Republicans were opposed to it, and defeated the measure. The great bulk of the stock was owned by foreigners and our political opponents, and the Republicans contended that to renew it, would in fact, be re-establishing it for the benefit of foreigners. Here, then, Mr. Crawford separated from the Republicans.

Again. When Mr. Jefferson came into the administration, he determined to follow the course of Washington, in regard to our foreign relations—he adopted the *neutral policy*. In this he persisted ; but in the year 1807, the affairs of this nation began to reach a crisis which required the adoption of other measures. Accordingly, in the session of 1807, Mr. Jefferson, in a message recommends that Congress should "make preparations for whatever events may grow out of the present crisis :" and as a *preparatory* step, he recommends the Embargo. The object of the Embargo was to save the immense mercantile capital of the country, from being captured under the French Decrees, and the British Orders in Council. The necessity of the measure was so apparent, that in the Senate, it met with the support of both parties, only *six* voting against it, *five* of these were

the most violent of the Federalists, and, the other one was *W. H Crawford.* Here, then, a second time, we see this gentleman deserting from the Republicans. All parties admit, that the Embargo, was a wise and necessary measure as preparatory to war; but when it was turned into a *substitute* for war, the Federalists, and the great bulk of the Republicans, began to reprobate it. Mr. Crawford, however, thought otherwise. In 1807, he separated from the Republicans, in laying the Embargo, and in 1809, when the Republicans, nay, the voice of the nation called out for its repeal, *he voted against its repeal.* If the Embargo was wrong in 1807, how came it right in 1809? Let the friends of the Candidate, explain this inconsistency?

Again. In 1810, the Administration, finding that our affairs were rapidly approaching a crisis that would most probably result in war, began seriously to make the necessary preparations for that event.—Among the measures recommended by the President, and adopted by Congress, was a Bill—"*for fitting out, and manning the frigates belonging to the United States.*" Against this measure, Mr. Crawford, and *five* others voted. He not only voted against the organization of our small navy, at that critical period, but he broke silence, and delivered a flaming speech against the navy. In the course of this speech, he calls the navy "*a fungus on the body politic,*" and censures Mr. Jefferson for not going farther than he did, in destroying it—he ridicules the idea of our navy's being of any service in the event of war—and talks loudly of England with her thousand ships. It is in this speech too, that he delivers his sarcasms against Mr. Madison, and ridicules his message; in which he also ridicules the maxim of Washington—"that to be prepared for war, is the best method to preserve peace." Sir, said Mr. F. let any candid man read this speech, and he will no longer doubt Mr. Crawford's fixed hostility to the navy. But fortunately for the nation, Congress did not adopt Mr. Crawford's notions of the navy; if they had, the last war, could not be written in as bright characters as it now will be.

When, continued Mr. F. the nation was driven, by the aggressions of Great-Britain, to the alternative of war, Mr. Crawford was pursuing a doubtful course in Congress. He however, made his peace with the administration, by giving a silent vote for the measure; and then managed to be appointed a Minister resident at a Foreign Court, where he would be beyond danger, and clear of responsibility. This brings us to the *second* division—his *diplomatic services.* And here, said Mr. F. I call upon his friends to show what he did while Minister in France? What Treaty did he negotiate, or in what correspondence did he sustain the character of the country? We may look in vain for such—if there ever were any, they have been *suppressed*, like other documents.—He continued in Paris enjoying his $9,000 out-fit, and his $9,000 annual salary until the war was over—he then returns to scheme for higher honors. His attempts at the Presidency, in 1816, cannot be forgotten by this House. So much for his *diplomacy.* Let us now come to the *third* division of his "public services," and examine his achievements in the Treasury Department.

What new source of revenue has the present Secretary of the Treasury discovered since he came into that department? or what plans has he adopted to render more secure, and less expensive the collection of the du-

ties under the existing laws? His friends before this, have been asked, but have not been able to answer.

Mr. F. said, he would compare some of his estimates made in his annual reports, with the true results furnished by himself in his subsequent reports. In his report of 16th December 1816, the Customs for 1817 was estimated at 12 millions dollars; but in his report of 1817, we find the revenue turned out 22 millions—or 10 millions more than his previous estimate.

In his report of 1817, he estimates that *the permanent revenue*, will be 24,525,000 dollars; the very next year, however, falls short of this estimate more than $2\frac{1}{2}$ millions, even after deducting the internal duties.

In his annual report of 1818, he says "It is presumed that the revenue which shall accrue during the present year from imports and tonnage may be considered as *the average amount* which will be annually received from that source of revenue." This amount turned out to be $21,828,451. The revenue from that source for 1819, was $17,116,702. For 1820, was only about 12 millions, or more than 9 millions less than the estimate; for 1821, was 19 millions, or three millions less; which makes the average for these 3 years, about 5 millions less than the Secretary's permanent estimate.

Here, then, said Mr. F. we see, how wide of the mark his estimates have turned out.

This fatal error in the Secretary, in estimating the permanent revenue at nearly 22 millions, is the true cause of many of the embarrassments that followed. It is with Congress as with individuals; place surplus funds at their disposal, and they cannot rest, until they spend it. Mr. Crawford had made Congress believe, that the permanent revenue would be 22 millions, which would be several millions annually more than was wanted for the ordinary expenses of Government. Congress had to devise some way to get rid of this surplus fund; but the *surplus* turned out a *deficit*, and loans became necessary.

But, sir, these are not the only mistakes made by Mr. Crawford. In his annual report of 1820, he committed an error of nearly 3 millions of dollars, which was detected by Mr. Calhoun. He made a *second* report to correct the first, and the second report was also incorrect; he made a *third* one, and this, too, in the opinion of Mr. Lowndes, Mr. Sargeant, and other able Financiers, was still wide of the mark. I shall notice only one other instance of the Secretary's mismanagement of the funds of the nation—that is, his connection with the insolvent Banks. By voluntary loans to these Banks, or imprudent deposits, the nation will lose *nearly one million* of dollars, according to his own report. In one Bank alone, (Vincennes) he placed a sum greater than the total capital of that Bank. Now, sir, these things prove one of two conclusions; either that Mr. Crawford is not capable of managing the duties of the Treasury; or, if he does possess the necessary skill, that then, he has, through carelessness or design, greatly mismanaged the finances of the nation; in either result, he certainly cannot be a proper person for President of the U. States.

Mr. F. said, he would pass over some other acts of the Treasurer, on which, he intended to make remarks, and come to his connection, with the *Radicals*. It is not necessary, sir, here to give the history of this new party, further than to state, that it is not composed of the choice materials

of either of the old parties, but is made up of the fag-ends, the disappointed, and disaffected of both. This party is opposed to the present Administration; to its policy and leading measures, and Mr. Crawford is the known head of this mongrel set. He is their candidate;—there is not a Radical in the nation but supports him. Though a member of the Administration, he heads a faction, hostile to the wise measures adopted by Mr. Monroe, and which are generally approved by Federalists as well as Republicans. While Mr. Crawford is thus blundering and stumbling along in his department; while he is carrying on his operations with the Radicals, to destroy every branch of the system of national defence, let us turn sir, to Mr. Calhoun, and examine his "public services" to the nation.

John C. Calhoun entered Congress about the year 1811—at a time when our affairs had reached a crisis, which threatened war, or national degradation. He stepped at once on the theatre of Congress, a political Roscius; by the force of his talents, he soon gained a standing that attracted the attention of the whole nation. He was compared to the sages of the old Congress. Before the end of that Congress, he stood at the head of the Committee of Foreign Relations—by far the most important Committee in Congress at that period.

It was Mr. Calhoun, and a few other distinguished Republicans in Congress, who waited on Mr. Madison, and told him that the crisis required decisive and energetic measures; or, that the national character would sink. Mr. Madison communicated his war message, and the House of Representatives, referred it to the Committee of Foreign Relations. That Committee was composed of some of the oldest and ablest men of the party in Congress: but when the question of war was brought before them, they approached it with deep apprehensions. It was an experiment yet to be made by our Government, and moreover there was a powerful party in the country opposed to it. The Committee met, full of doubts, and apprehensions. Mr. Calhoun addressed them at great length. He showed that war, or national disgrace, was the alternative; he demonstrated the ability of the nation to sustain the war; when he concluded, doubt no longer dwelt in the Committee—they were for War.—Mr. Calhoun was appointed to draw up the manifesto, seting forth the causes of the war; this paper has aptly been called the second Declaration of Independence. But, Mr. Calhoun, was not only one of the moving spirits, that brought on the war; after it was declared, no one was more active in devising the ways and measures for a vigorous prosecution of it; in organizing the navy and the army. During the whole of that contest, he stood to his post in Congress, battling it with the Federal phalanx, and cheering up the spirits of the Republicans. But the storm of war blew over, and the sun-shine of peace broke out on the nation. If Mr. Calhoun was active in carrying on the war, he was not less so, when peace came, in devising measures to repair the effects of the war, and in suiting things to a state of peace. The war taught us a lesson of experience; and a nation like an individual, should profit by experience. Mr. Calhoun was foremost in devising a system of national defence—that system which the Radicals have labored so hard to destroy. Shortly after the war Mr. Monroe was elected President. He placed Mr. Calhoun in the Department of War. As during the war this department was the one through which the operations were chiefly directed, it was

found by the new Secretary in the greatest disorder. He found on the books more than Fifty millions of unsettled accounts. He set the proper officers to work; in less than three years the balances were nearly all settled. He found defects in the system of accountability—public money was given out, badly disbursed, and still worse accounted for. He introduced important changes, and exacted rigorous punctuality from all public agents. The consequence is, that the large sums which now pass through the War Department, are disbursed with less loss than ever was before known in this or any other Government. He found defects in the system of supplies—he recommended an entire change by which thousands of Dollars have been annually saved to the nation. By economy and management, he has reduced the expenses of the Ordnance Department. Ordnance of all descriptions are now obtained cheaper than ever before known. There is a saving on muskets alone, of nearly $3 a piece. By care and economy, the annual expense of each soldier has been reduced more than $135. In short, documents show, that by skill, system, and economy, Mr. Calhoun, in the management of the War Department, annually saves to the nation not short of a million of dollars, and yet we have heard a member on this floor, without any other proof than his empty assertion, accuse him of extravagance! But this is not all. Under his direction, the system of national defence, has been established, and is progressive, and if not destroyed by the Radicals, will, in a few years be completed.

These, Sir, said Mr. F. are some of the reasons why I prefer John. C. Calhoun as President; and why I object to Wm. H. Crawford—I believe that for the nation Mr. Calhoun would make the best President—his past life and public services show it. But, Sir, there is yet another reason, that operates on my mind against Wm. H. Crawford. He is the Virginia Candidate. As a native of North-Carolina, with the interest and honor of the State near at heart, I am free to say, that of two candidates, equal in merit, the one proposed by Virginia, the other not, I would go against him of Virginia. Sir, it is time that North-Carolina should stand alone—time to break the charm of Virginia influence, and think and act for ourselves. North-Carolina has the name of being led by Virginia, true or false, we should give proofs that we are now free. We have followed Virginia until her politicians fancy we dare not part from her; tell them that North-Carolina will not vote for their candidate, and they will laugh you to scorn. Sir, my state pride revolts at the thought. We have followed Virginia, acted with and supported her men, for 36 years, and what offices of honor or profit has she given to North-Carolina? While she has profusely spread the loaves and fishes to her own citizens, and to every other state, she has scarcely permitted North-Carolina to gather up the fragments—she has given us a Secretary of Legation, and a Commissioner to arbitrate the contested value of stolen negro slaves.

A gentleman the other day, in the debate on another subject, asked if we wished a part of the "loaves and fishes?" I boldly answer, yes!—Our Government, sir, is founded on the principle of representation; that principle should be felt, and preserved in each co-ordinate branch of the Government; we should be represented in the Executive and Judicial branches, as well as in the Legislative. The Constitution, said Mr. F. secures us our weight in the Legislative branch, or, he doubted North-

Carolina would be neglected there too. As for myself, sir, I neither expect, nor desire any office in the gift of the Government; but I wish to see North-Carolina receive her due portion. She has sons of talents, and of worth, who would fill with honor to themselves and the nation, any office in the Government; but, as long as we follow Virginia, they will remain in obscurity. And, what better things can we expect, if Wm. H. Crawford is elected? He is the Virginia candidate; he will be under Virginia influence, and N. Carolina may expect from him Virginia neglect and disdain. But, sir, we may hope for better treatment, from John C. Calhoun. He comes from a state, bearing half of our name; and possessing the same interests and feelings with ourselves: a state, too, that is smaller than our own, and she will find it necessary to conciliate her larger sister by acts of kindness and confidence. Besides this, sir, already, has Mr. Calhoun given proofs of his high regard and friendship for North-Carolina, and of his attention to our interest. Sir, it is to him, and to him alone, that we owe the acquisition of the Cherokee Lands—an acquisition which has already brought a large sum into our Treasury, and will bring much more; but for the proceeds of these lands, our works of Internal Improvement would ere this have stopped. There is yet another instance of his regard for equal rights and for North-Carolina. The Academy at West Point, is a National Institution; before Mr. Calhoun came into office, it was supplied with young men, chiefly from Virginia, and a few other states—North-Carolina had but little share; but since Mr. Calhoun has been in office, he has established a principle of equality, and North-Carolina has come in for her share of Cadets. The gentleman from Fayetteville, (Mr. Strange) tells us that he is a Virginian, and that he is proud of his birth-place; sir, these are very natural feelings, and it is to be expected that he would act under their influence; but he will permit us, who were born in North-Carolina, also to cherish the character of our native state. Sir, said Mr. F. I admire Virginia, she has produced a race of great men, and of high-minded politicians; but, this is no reason why North-Carolina should come and go to her beck and nod.—I would wish to see North-Carolina under the influence of no state. I wish to see her act on her own lights, and worthy of the character of a great state. Until she does act in that way, she will never obtain her just influence among the other states of the Union.

Mr. Rainey rose and said, while attentively listening to the speech of the gentleman from Rowan, who was last up, he had got into a kind of reverie, and had been so led away as to forget that he was sitting in the Commons Hall as a legislator, and had fancied himself at a Muster-field, listening to an Electioneering harrangue, for never had he heard a more complete one.

Mr. Martin, of Rockingham, said, that he had not intended to have risen on this subject, nor should he have done so, had it not been for a remark which fell from the gentleman from Fayetteville (Mr. Strange) yesterday, as to the bearing which the present vote would have upon the Presidential Election. He could say that his vote on this question would have no connection with that which he should give on that election. He should vote against the Preamble and Resolutions on the table, because he considered

them as embracing an illegitimate object to be brought before this body.—If it were a subject of great national importance on which the General Assembly were called upon to express an opinion, it would be a different matter, but he did not believe the House had any right to direct the conduct of our members of Congress in the matter now before them.

Mr. M. said he was opposed to the gentleman who would probably be recommended as a candidate for the Presidency, if a Caucus were held at Washington, and he wished this distinctly to be understood. But he should nevertheless, vote for the indefinite postponement.

Mr. M'Auley observed, that these Resolutions proposed to instruct our Members of Congress not to go into a Caucus at Washington, for the purpose of nominating a Candidate for the Presidency. As to going into a Caucus with closed doors, he was not for it. But as to their holding a meeting for the purpose of determining which of the Candidates now before the public, it will be best to unite in supporting, he could see no objection to it; but he did not believe the General Assembly had any thing to do with it. We came here, said he, to legislate for the State, and not to instruct our Members of Congress as to their duty. They received their powers from the same source which gave us ours, and we must all account to our constituents for our conduct. He was willing to record his vote against interfering with what did not belong to us.

Gentlemen, said he, talk about Republicanism. He had always been a Republican; nor had he ever back-slided, and he hoped he never should to the day of his death!

The question was then taken on the motion indefinitely to postpone the Preamble and Resolutions, and carried 82 votes to 46.

The Yeas and Nays were as follows:

Yeas—Messrs. Ashe, W. D. Barnard, Blackledge, J. M. Bryan, Brown, Bowers, Baker, T. Bell, C. Barnard, Brodnax, Bynum, Barrow, Brower, S. A. Bryan, L. Cherry, Copeland, Cole, Clancy, Davis, Davenport, Elliott, Fox, Frederick, Forbes, Gary, Gordon, Holland, Hoover, Howell, Horton, Hassell, R. A. Jones, Jeter, Jarman, R. H. Jones, Kilpatrick, Leonard, Lowrie, Lamon, Lewis, Mhoon, Melvin, Miller, M'Cawley, M'Daniel, T. N. Mann, R. Martin, E. Mann, Mewborn, Oliver, Pugh, Roane, Rainey, Ramsay, Stedman, Stephens, Stewart, Seawell, Sidbury, Sellers, Smith, Strange, Tillett, Taylor, Thompson, Turner, Wm. Underwood, D. Underwood, Vann, Webster, S. Whitaker, Walton, Worth, White, Watson, J. G. A. Williamson, Webb, Wright, L. P. Williamson, Walker, Whitehurst, W. Walton—82.

Nays—Messrs. Alston, Alford, E. H. Bell, Bodenhamer, Baine, Brooks, Beall, Collins, Conrad, Croom, J. Cherry, Carson, Clement, Campbell, Dargan, Edmonston, Edwards, Flynt, Fisher, J. Gordon, Graham, Hargrave, J. L. Hill, Helme, Henderson, Hastings, Hellen, Hunter, J. A. Hill, Iredell, Love, McMillan, M'Neill, Melchor, M'Lean, Morgan, A. Martin, Mebane, M'Farland, Polk, Shepperd, Stanly, White, Weaver, Ward, Wilder—46.

☞ Since the sketch of Mr. Hill of New-Hanover's remarks, (which is in page 26 of this pamphlet,) appeared in the Register, we have received from him a more full report of his speech on the occasion, which we publish as follows:

Mr Speaker, the gentleman from Beaufort, Mr. Blackledge, complained of his inability to follow the gentleman from Rowan, in the devious path of his argument. His own course, sir, has been sufficiently eccentric. He

has wandered from the subject, properly before the house, and sought to revive an empty but odious distinction, which should have slept forever in the tomb of the Capulets. When called upon for a manly expression of his sentiments on a great constitutional question, he raises the stale cry of "party," and avoiding a fair and open field of debate, secures himself behind the rampart of party prejudices. There I shall leave him, sir, to cherish in his own breast, if he has failed to excite them in the bosoms of others, the corroding animosities of party.

The gentleman from Caswell, Mr. Brown, has urged, in behalf of a Caucus, that the members of Congress, from their situation and superior intelligence, would be more likely to make a wise selection from among the numerous candidates for the Presidency, than the *people*, scattered as they are over such an extent of territory and residing so remote from the seat of government. In a Republic, where the virtue and the intelligence of the people ought to be considered the only legitimate basis of their sovereignty, this is a most singular argument. It is, sir, in effect, to assert, that the Constitution has secured to the people a privilege which they are too ignorant to exercise, and, consequently, of which they ought to be deprived. I see on the table before me, the last message of our venerable Chief Magistrate, he holds opinions on this subject widely differing from that expressed by the gentleman from Caswell, "We are all, &c."

The people, Mr. Speaker, are, in truth, sovereign; they have, however, chosen to delegate a part of their sovereign power, to be exercised under limitations, by their appointed agents, reserving to themselves certain privileges to be exercised in their collective capacity; among the most important of these privileges is the right of choosing by their free unbiassed suffrages, the Electors of President and Vice President. To guard this important right, to secure the people in its free exercise, is the professed object of the resolutions on your table. There is not, I would willingly believe, in this House, one who would not be prepared to resist, to the utmost of his ability, any attempt to disfranchise this nation, any direct attempt to deprive the people of any one of their Constitutional rights. Is it not equally our duty to guard against any improper interference with or encroachment upon these rights? But how, it is asked by the advocates of Caucus, does the nomination of a President encroach upon the province of the people? They are not bound to respect it. It carries with it no binding force. True, sir, the members of Congress, deliberating in Caucus, are acting without the scope of their agency, and, consequently, what they do is not binding on their constituents. But when, sir, has a nomination so made, failed to determine the event of an election? The truth is, that though it has, in law, no force, it has yet in *fact*, all the authority of a *law*. Besides, sir, we should reflect that we legislate, not merely for the present, but for the future. We should be careful to transmit to those who come after us, unimpaired, the rights we have received from those who have gone before us. We all know how readily customs grow into precedents and acquire authority. Thus, sir, what is now permitted to the Members of Congress, they may hereafter arrogate as a right, and the modest voice of recommendation, be exchanged for the proud tone of dictation.

My chief objection to the practice of Caucusing, is, that I think it opposed to the spirit of the Constitution. By that instrument, Members of Congress are disqualified from serving as Electors. The object of the

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disqualification is plain. In the event of a failure on the part of the Electoral College to make a selection it becomes the duty of the House of Representatives to choose the President from the three candidates having the highest number of votes; did not the disqualification exist, the indecency might occur of a man's deciding a controversy he had prejudged. If the Electoral College fail to make a choice, it becomes the constitutional duty of the Member of Congress, to vote for that man, whom he deems in his conscience best qualified for that office. Is he equal to this duty, whose judgment is warped by prejudice and whose passions are excited by previous controversy? Does the Caucus Member of Congress discharge faithfully, the high trust reposed in him? Does he vote according to the dictates of his judgment and the voice of his conscience? No, but disregarding the one, and hushing the other, he votes as a majority of his friends in Caucus dictate; he cannot exercise even a common discretion; he has already resigned the right of self-action; he has surrendered himself a passive instrument in the hands of others. A vote is put into his hands; he stands pledged to render it, no matter whether it be averse to the wishes of his constituents, or contrary to his own feelings and inclinations.

It has been further urged, sir, in support of a Caucus, that from the number of candidates, and the divided state of the public mind, there is great probability of the election finally falling into the House of Representatives, unless the opinions of the people are concentrated by means of a Caucus recommendation. If, Mr. Speaker, the nomination by the Members of Congress is to have the effect so confidently anticipated from it, will it not be the Members of Congress who, in effect, make the President? And is not this, sir, exactly that, which gentlemen wish to avoid? This method of avoiding threatened danger, by rushing madly upon it, is truly one of singular novelty and ingenuity. For my own part, Mr. Speaker, I should regret to see the election fall into the House of Representatives; I would save that body from an exposure to temptation and a consequent liability to corruption; but it is the mode pointed out by the Constitution, and I had rather that the most inefficient man in the nation should be elevated to the Presidency than that one jot or tittle of the Constitution should be violated. The mischiefs of a weak or partial administration of our affairs might be repaired by the wisdom of succeeding rulers, but where, sir, would you find an antidote to the poison of a vicious precedent? In the one instance, the injury sustained by the country would be partial and might be repaired; in the other, the wound inflicted on the Constitution would be hopeless and irremediable.

But we are told, Mr. Speaker, by the advocates of a Caucus, that this practice which we so much reprobate, is approved by the example of men, distinguished for their patriotism and republican principles. I confess, sir, I am not of that number who are easily influenced by the magic of a name; I will not blindly adhere to customs merely because there is warrant for it, or without enquiring into their origin and tendency. As to this particular custom, sir, it is one which, in my opinion, is "more honoured in the breach than the observance." It is a custom which had its origin in party intrigue, which is persevered in to the prejudice of popular lights, and which threatens to grow into a precedent dangerous to liberty itself.

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